



Dave Yost • Auditor of State



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To the Residents and elected officials of the City of Mansfield:

In accordance with Ohio Revised Code Section 118.023, a performance audit was conducted in the City of Mansfield, due to its fiscal emergency status. The functional areas assessed during the audit were Strategic and Financial Management, Police and Communication Center, Fire Department, and Municipal Court. These areas were selected because they are important components of City operations and improvements in these areas can assist the City in improving its financial condition and working toward removing itself from fiscal emergency.

The performance audit contains recommendations which identify the potential for cost savings and efficiency improvements. While the recommendations contained in the audit report are resources intended to assist in improvement efforts, the City is encouraged to assess overall operations and develop additional alternatives.

An executive summary has been prepared which includes background information; a financial history and outlook; subsequent events; the methodology and scope for the performance audit; noteworthy accomplishments; a summary of the key recommendations and financial implications; issues for further study; and the audit objectives. This report has been provided to the City and its contents discussed with the related elected officials. The City has been encouraged to use the results of the performance audit as a resource for further improving overall operations, service delivery, and financial stability.

Additional copies of this report can be requested by calling the Clerk of the Bureau's office at (614) 466-2310 or toll free at (800) 282-0370. In addition, this performance audit can be accessed online through the Auditor of State of Ohio website at <http://www.auditor.state.oh.us/> by choosing the "Search" option.

Sincerely,

A handwritten signature in black ink that reads "Dave Yost". The signature is written in a cursive style with a large, looping "D" and "Y".

Dave Yost
Auditor of State

July 12, 2011

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Executive Summary

Background

The Auditor of State (AOS) declared the City of Mansfield (the City) to be in fiscal emergency on August 19, 2010. Ohio Revised Code section 118.023 allows AOS to provide technical and support services to municipalities in fiscal emergency. In accordance with this authority, a performance audit of the City was initiated.

Based on a review of Mansfield's information and discussions with City officials, the following functional areas were included in the performance audit:

- Strategic and Financial Management;
- Police and Communication Center;
- Fire Department; and
- Municipal Court.

City Overview

Mansfield is located in north-central Ohio in Richland County. According to the U.S. Census Bureau, the City's population was 51,796 in 2000, declining to an estimated population of 49,579 in 2008. The City encompasses 29.91 square miles.

The City operates under a Charter that was adopted by the electorate in 1982. Based on the Charter, the City is governed by a Mayor and a nine-member City Council. Other elected officials include two judges of Municipal Court, the Law Director, the Finance Director, and the Clerk of Courts. City services include police, fire, emergency medical, water, sewer, court and streets.

Mansfield levies an income tax of 1.75 percent on substantially all earned income arising from employment, residency or business activities inside the City. The first 1.00 percent is a permanent levy, while the additional 0.25 percent is for street resurfacing and 0.50 percent is for police and fire activities. The income tax is the primary source of revenue for governmental funds, comprising approximately 51 percent of total operating revenues in 2009. Intergovernmental funds are the next largest revenue source for governmental funds, comprising approximately 29 percent of total operating revenues. The Safety Services and General Funds comprise the majority of governmental fund operating expenditures, totaling approximately \$21.2 and \$9.4 million in 2009, respectively. Income taxes comprised approximately 90 percent

of total operating revenues for the Safety Services Fund in 2009, but only 4 percent of total operating revenues for the General Fund. Intergovernmental funds represented the largest source of revenues for the General Fund in 2009, comprising approximately 45 percent of total operating revenues.¹

Financial History and Outlook

From 2000 to 2009, the City incurred structural operating deficits in the combined governmental funds in a majority of the years. Specifically, operating expenditures exceeded operating revenues in seven of the ten years. From 2001 to 2003, the City was able to achieve a positive balance in the government funds only by receiving proceeds from the sale of bonds and note premiums. Likewise, the City achieved a positive balance in its governmental funds in 2009 by receiving \$2.6 million in debt proceeds.

Mansfield's combined sum of funds with deficit balances of approximately \$3.4 million as of December 31, 2009 and \$9.8 million as of April 30, 2010 triggered the fiscal emergency declaration. Subsequently, a Financial Planning and Supervision Commission (the Commission) was appointed to assist Mansfield in addressing its financial situation and drafting a financial recovery plan for the City. At the time of this performance audit, the City was in the process of developing the financial recovery plan, and officially approved a plan in April 2011. By incorporating the results of this performance audit in its plan, the City would be better able to operate within available resources going forward and work toward removing itself from the fiscal emergency designation.

Subsequent Events

During the course of this performance audit, the City negotiated a new two-year collective bargaining agreement with the International Association of Firefighters. Additionally, the General Assembly passed Senate Bill (SB) 5 (effective July 1, 2011), which revises the public employee collective bargaining law and changes compensation and terms of employment for public sector employees. As a result, SB 5 addresses areas of governmental operations that were assessed in the performance audit of Mansfield, including the following:²

- Limits public employer contributions toward health care benefit costs to 85 percent (see **1.3**);
- Prohibits a public employer from paying employee contributions to the five public employee retirement systems (see **1.5**);

¹ Operating revenues and expenditures exclude other financing sources/uses.

² The SB 5 information is taken from reports published by the Ohio Legislative Services Commission.

- Expands the subjects that are inappropriate for collective bargaining, including the number of employees required to be on duty or employed in any department, division, or facility of a public employer (see **3.1**, **3.2** and **3.3**);
- Replaces salary schedules and longevity pay supplements with performance-based pay ranges for employees of the state and political subdivisions, except for teachers, whose compensation is required to be based on performance criteria alone (see **3.5**);
- Prohibits payments for sick leave at retirement to exceed 50 percent of the public employee's total accumulation, with a cap of 1,000 hours (see **1.4**, **2.3**, and **3.1**); and
- Establishes certain limitations on sick leave and vacation accruals (see **1.4**, **2.3** and **3.1**).

The City should consider the provisions of SB 5 as it implements the recommendations in this performance audit and other actions to improve its financial condition. Lastly, it should be noted that initial petitions have been filed with the Ohio Secretary of State regarding prospective referendum petition against SB 5.

Audit Methodology and Scope

Performance audits are defined as engagements that provide assurance or conclusions based on evaluations of sufficient, appropriate evidence against stated criteria, such as specific requirements, measures, or defined business practices. Performance audits provide objective analysis so that management and those charged with governance and oversight can use the information to improve program performance and operations, reduce costs, facilitate decision-making by parties with responsibility to oversee or initiate corrective action, and contribute to public accountability.

AOS conducted the performance audit of Mansfield in accordance with Generally Accepted Government Auditing Standards (GAGAS). These standards require that AOS plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for findings and conclusions based on audit objectives. AOS believes the evidence obtained provides a reasonable basis for the findings and conclusions presented in this report.

AOS and the Performance Audit Section (PAS) are aware of, and have considered, the potential independence issue regarding undertaking performance audits of fiscal watch and emergency entities that are also being monitored by the AOS Local Government Services Division (LGS) as fiscal supervisor. Because LGS is statutorily required to serve as fiscal supervisor, an impairment to independence may exist (GAGAS 3.14). However, under ORC 118.023, and consistent with the intent of the legislature and Auditor of State under this law, performance audits are a component of the activities undertaken by AOS to assist local governments in fiscal distress.

The scope of the performance audit is driven by the funds that contributed to the fiscal emergency declaration. Accordingly, the overall objective of this performance audit is to assist

the City in identifying strategies to help improve its financial standing and work toward removing itself from fiscal emergency. Key areas assessed in this performance audit include the following:

- Budgeting and purchasing;
- General planning functions;
- Overall income tax operations;
- Health insurance; and
- Staffing, salaries, key benefits, overtime use, and technology for the Police and Communication Center, Fire Department, and Municipal Court.

The performance audit was designed to develop recommendations that provide cost savings, revenue enhancements, and/or efficiency improvements. The ensuing recommendations comprise options that Mansfield can consider to help improve its financial condition and operations.

Audit work was conducted between September 2010 and March 2011, and data was drawn primarily from fiscal years (FY) 2009 and 2010. To complete this report, the auditors conducted interviews with City personnel, and reviewed and assessed information from Mansfield, peer cities, and other relevant sources. See **2.5** and **3.2** for concerns about the reliability of the City's response time data for police and fire calls, and **4.2** for concerns about the reliability of case disposition rates at the Municipal Court. Peer city data and other information used for comparison purposes were not tested for reliability.

AOS used three cities as peers for benchmarking purposes: Elyria (Lorain County), Newark (Licking County), and Warren (Trumbull County). These cities were selected based upon demographic and operational data, and input from Mansfield. Since the city of Newark does not operate a municipal court, the Licking County Municipal Court was used in the Municipal Court section. To further help evaluate the City's staffing and services where applicable and feasible, AOS utilized audit averages from cities reviewed in prior performance audits. The selected peers, along with the year the performance audit was released, include the cities of Alliance (2006), Canton (2001), Cleveland Heights (2008), Elyria (2004), Euclid (2008), Fairview Park (2009), Galion (2006), Garfield Heights (2009), Greenville (2006), Hamilton (2004), Kettering (2008), Lakewood (2008), Lima (2001), Lorain (2004), Marietta (2007), Napoleon (2006), North Canton (2009), Northwood (2006), Norwood (2006), Parma (2004), Perrysburg (2009), Portsmouth (2007), Rossford (2006), Shelby (2006), Springfield (2004), Tallmadge (2006), Trotwood (2006), Vermilion (2006), Wadsworth (2009), Wapakoneta (2006), Warren (2001), Wauseon (2006), and Whitehall (2006). However, the number of cities used for each analysis varies throughout the performance audit, due to factors like information availability and differences in organizational structure or operations.

The analyses in each report section indicate the number of cities that comprise the prior audit averages. External organizations and sources were also used to provide comparative information and benchmarks. They include the Ohio Revised Code (ORC), Government Finance Officers Association (GFOA), State Employment Relations Board (SERB), Federal Bureau of Investigation (FBI), National Fire Protection Association (NFPA), and National Center for State Courts (NCSC).

The performance audit process involved significant information sharing with the City and Commission, including preliminary drafts of findings and proposed recommendations related to the identified audit areas. Furthermore, periodic status meetings were held throughout the engagement to inform the City and Commission of key issues impacting selected areas, and share proposed recommendations to improve or enhance operations. Throughout the audit process, input from the City and Commission was solicited and considered when assessing the selected areas and framing recommendations. Finally, the City and Commission provided verbal and written comments in response to various recommendations; and these comments were taken into consideration during the reporting process. Where warranted, AOS modified the report based on these comments.

The Auditor of State and staff express appreciation to the City of Mansfield and the Financial Planning and Supervision Commission for their cooperation and assistance throughout this audit.

Noteworthy Accomplishments

Noteworthy accomplishments acknowledge significant accomplishments or exemplary practices. The following summarizes noteworthy accomplishment identified during the course of this audit.

- **Efficient and Effective Income Tax Collection:** The City spent an average of \$10.57 per citizen in 2009 and \$10.08 in 2010 for its income tax function, lower than the peer average³ (\$11.14) and a private income tax collection provider (\$11.03). The lower costs are primarily the result of employing fewer income tax FTEs per 10,000 citizens (1.41 compared to the peer average of 1.61). In addition, despite a lower tax rate and median income, Mansfield collects more in income tax revenue per citizen (\$463) than the peer average (\$323). This is due in part to the City providing only a partial credit to citizens who pay income tax to other municipalities, while two of the four peers provide a full credit. However, the higher income tax revenue per citizen can also be attributable to the City's aggressive process for enforcing income tax payments. Specifically, Mansfield processes nearly double the number of income tax cases in court (1,946) compared to the next highest peer (1,089).

³ The peer average for the income tax comparisons includes Newark, Warren, Lakewood and Euclid. Elyria contracts for income tax services.

- **Police Department Accreditation:** The City of Mansfield Police Department (CMDP) has achieved accreditation status for its policing function through the Commission on Accreditation for Law Enforcement Agencies (CALEA). CALEA was established in 1979 to improve the delivery of public safety services by maintaining a body of standards covering a wide range of up-to-date public safety initiatives; establishing and administering an accreditation process; and recognizing professional excellence. CALEA advertises that benefits of accreditation include comprehensive, well thought-out directives; reports and analyses to make informed management decisions; in place preparedness programs; improved relationship with the community; strengthened accountability; lower liability and risk exposure; and assistance with an agency's pursuit of excellence. In contrast to CMDP, none of the peers (Elyria, Newark or Warren) are CALEA certified. Furthermore, only 41 Police Departments throughout Ohio have achieved CALEA certification.
- **Proactive Policing:** CMDP operates a variety of programs that are designed to provide proactive policing services. For example, CMDP operates a "Top Ten Initiative" where a report is run every 30 days showing the 10 addresses that placed the 10 most calls for service during the last 60 days. Police officers are then sent to those addresses during down periods to discuss the issue with the property owner and help develop solutions to prevent future crimes/calls for service. CMDP also sponsors approximately 60 neighborhood watch groups, with 45 of them meeting on a regular basis to develop strategies that promote safer neighborhoods. Finally, CMDP operates a variety of youth initiatives, including efforts to prevent juvenile delinquency, a police athletic league, drug awareness education, and Safety Town. These policing efforts can have a favorable impact on calls for service and crime rates. For instance, the number of calls for service and crimes declined each year from 2006 to 2009, with the exception of a slight increase (1.9 percent) in crimes from 2008 to 2009. Nevertheless, the number of crimes in 2009 remained lower than in 2006.

Conclusions and Key Recommendations

Each section of the audit report contains recommendations that are intended to provide the City with options to enhance its operational efficiency and improve its long-term financial stability. In order to obtain a full understanding of the assessed areas, the reader is encouraged to review the recommendations in their entirety. The following summarizes key recommendations from the performance audit report.

Strategic and Financial Management

- Develop plans and performance measures to aid in decision-making.
- Improve the budgetary process.
- Negotiate to reduce health insurance costs.
- Negotiate to reduce severance, call-in, stand-by and shift differential pay, and vacation accrual rates; and limit sick leave payout to retirement in the AFSCME contract.
- Negotiate to discontinue the practice of paying the employees' pension contribution for AFSCME and police staff.
- Eliminate at least 1.0 FTE position in the Clerk of Council.
- Comply with the Charter and ORC for Council committee meetings.
- Implement a system that captures full program costs and recoups the costs, where applicable.
- Formalize the Regional Community Advancement (RCA) relationship.
- Comply with civil service testing requirements.

Police and Communications Center

- Eliminate 4.0 FTE support staff positions and at least 1.0 FTE telecommunicator position.
- Consolidate dispatch operations.

- Negotiate to reduce severance pay, shift differential pay, and vacation accrual rates; limit sick leave payout to retirement; and offer only one method for sick leave incentive.
- Reduce non-sworn officer overtime costs in the Police Department.
- Improve response time tracking.
- Obtain Emergency Medical Dispatch certifications and develop protocols.

Fire Department

- Negotiate to eliminate minimum manning requirements; reduce severance payouts, sick leave accrual rates, and the number of paid holidays; and pay out accrued sick leave only at retirement.
- Reduce Fire Department staffing levels by at least 5.0 FTEs.⁴
- Reduce Fire Department overtime.⁵
- Close one fire station.
- Negotiate to reduce firefighter compensation.

Municipal Court

- Evaluate outcomes of the specialty court dockets.
- Improve technology, ensure accurate termination data, and review continuance policy.
- Revise and formalize the process related to the court fines and fees schedule.

Issues for Further Study

Auditing standards require the disclosure of significant issues identified during an audit that were not reviewed in depth. These issues may not be directly related to the audit objectives or may be issues that the auditors do not have the time or resources to pursue. The following presents issues requiring further study:

⁴This depends on negotiating to eliminate minimum manning requirements.

⁵This depends on negotiating to eliminate minimum manning requirements.

- **Water and Sewer Funds:** While the Water and Sewer Funds maintained a positive fund balance at the end of 2009, expenditures exceeded revenues in both funds for 2009. In addition, the City spent an average of \$2.69 per 1,000 gallons in the Water Fund and \$2.82 per 1,000 gallons in the Sewer Fund for 2009, more than the respective peer averages (\$2.21 and \$1.51). In contrast to the negative cash flow in 2009, revenues exceeded expenditures in 2010 for both funds. The differences in cash flow and the higher expenditure ratios are due, in part, to varying usage levels by a large employer in the City. Although peer comparisons reveal that the City's staffing levels are not causing the higher expenditure ratios in 2009, other operating factors can also impact the higher expenditure ratios in 2009. As a result, the City should review and monitor operations in the Water and Sewer Funds to ensure the positive cash flow in 2010 can be maintained.
- **Purchasing:** During the course of this audit, the City began transitioning to a new financial management software system that includes purchasing that will enable electronic approvals and processing. Purchase orders have multiple levels of approval at the City. While this strengthens the control environment, multiple approval levels can also lead to delays in the process. For example, a purchase order request falling under the Mayor's control is approved by a minimum of three levels, including the appointing authority, Mayor, and Finance Director. Similar to Mansfield, the City of Barberton's Finance Department implemented an electronic purchasing system in 2002. The Mayor delegated his purchasing authority to the department heads and relied on the Finance Department to enforce the City's purchasing policies, thereby eliminating the need for every purchase to flow through the Mayor's Office.

According to the Finance Director, the purchasing process and procedures manual is not current. Additionally, in the past, the City has experienced problems with the purchasing system. Specifically, in 2006, five individuals were indicted and sentenced to jail for fraud. In addition, the 2009 Financial Audit management letter indicated the City lacked proper certification in some cases prior to incurring obligations. Further, the 2009 Financial Audit indicated the IT department did not have formal written procedures to track, monitor, remediate, test, implement, and document program changes. Change request forms were not used consistently. Also, the Mainframe Administrator, responsible for all program changes, had the access authority to modify the application code, complete the testing of the changes, and migrate the changed program into the production environment. Lastly, according to City Ordinance 171.08 Bonds of Officials and Employees, Council requires certain office holders or positions to hold a blanket commercial bond. While the IT Manager has ultimate control over the City's data, he is currently not required to obtain a bond.

As the City transitions to the automated purchasing system, it should consider efficiency alongside effectiveness and levels of control in order to balance the competing requirements, and accordingly update the process and procedures manual. For instance,

the City should determine if it is necessary for the Mayor to approve every purchase or if this authority can be delegated. Likewise, the City should review and address past audit citations, and determine how the new system can be used to avoid these citations and other past problems going forward. Moreover, City Council should determine whether to add the IT Manager position to the blanket commercial bond to mitigate risk and help ensure faithful performance of duties.

- **Emergency Medical Service Billing:** In 2010, the City billed approximately \$3.7 million, but collected only \$1.3 million in transports. Mansfield contracts with a private firm to do the billing. The contracted firm bills the individuals transported three times. If the bill remains unpaid after the third billing cycle, the Fire Department receives notification from the billing company and provides the Law Department with information concerning nonresident unpaid bills. The Law Department then begins legal proceedings to collect the amount due from the nonresidents. The City should further evaluate the billing process for EMS transports and consider strategies to enforce collections.
- **Court Consolidation:** The Mansfield Municipal Court (MMC) serves over twice the population of Mansfield and most of Richland County, with the exception of the population served by Shelby Municipal Court. One example of a different court and prosecutor structure is in Wayne County, where there is one Municipal Court for the entire county. There is also only one Prosecutor in Wayne County and only one Clerk of Courts. The Licking County Municipal Court also serves the entire county. The State Legislature establishes the jurisdiction of municipal courts and prosecutors in Ohio. Establishing a county-wide municipal court would reduce the overall cost of court operations in Richland County. The City should consider working with Shelby, the County and the State Legislature to further analyze court consolidation in Richland County.
- **Jail Contract:** During construction of the County jail, Mansfield petitioned Richland County to modify construction plans and expand jail capacity in order to house the City's prisoners. The County agreed and modified construction to allow for 80 prisoners per day from the City. Under the contract, the City pays annual fees totaling approximately \$1.4 million to receive dedicated space that can house up to 80 prisoners per day. In addition, the terms of the contract are in effect until at least 2028. Prior to entering into this agreement, the City employed 17 corrections officers and incurred other various costs (maintenance, food, etc.) to operate its jail facility. Assuming the City houses 80 prisoners per day at the County jail, the average cost per day equates to approximately \$48 per prisoner, which is lower than the daily costs per prisoner reported for 5 cities in two past performance audits (Lorain 2004 and Lakewood 2008). However, because the County does not track Mansfield's prisoner days, the City does not know whether it is actually housing 80 prisoners per day at the jail. During the latter portion of this performance audit, MMC's Court Administrator provided a report that appears to be

generated by the County Sheriff's Office, which documents the individuals in the County's jail. However, because the report includes all prisoners, the Court Administrator manually identified the City's prisoners on the actual report. Furthermore, the Municipal Court has developed programs targeted at minimizing the number of individuals sent to prison (see **4.1** in the **municipal court** section). As a result, the City should work with the County to develop a regular and convenient reporting process that would allow for the accurate tracking and reporting of the City's actual daily prisoner counts to ensure that the contracted costs are appropriate. If the City's inmate population is significantly lower than 80 per day, it should approach the County about amending the contracted costs.

Summary of Financial Implications

The following table summarizes the performance audit recommendations that contain financial implications. Detailed information concerning the financial implications, including assumptions, is contained within the individual sections of the performance audit.

Summary of Performance Audit Recommendations

Recommendation	Impact
1.3 Negotiate to reduce health insurance costs.	\$767,000
1.4 Negotiate to reduce severance, call-in, stand-by and shift differential pay, and vacation accrual rates; and limit sick leave payout to retirement in the AFSCME contract.	\$19,200
1.5 Negotiate to discontinue the practice of paying the employees' pension contribution for AFSCME and police staff.	\$678,000
1.6 Eliminate at least 1.0 FTE position in the Clerk of Council.	\$63,000
1.8 Replace traffic signals and street lights with LED fixtures.	\$34,000
1.9 Implement a system that captures full program costs and recoups the costs, where applicable.	\$90,600
2.1 Eliminate 4.0 FTE support staff positions and at least 1.0 FTE telecommunicator position.	\$240,000
2.2 Consolidate dispatch operations.	\$230,000
2.3 Negotiate to reduce severance pay, shift differential pay, and vacation accrual rates; limit sick leave payout to retirement; and offer only one method for sick leave incentive.	\$198,000
2.4 Reduce non-sworn officer overtime costs in the Police Department.	\$50,000
3.1 Negotiate to eliminate minimum manning requirements; reduce severance payouts, sick leave accrual rates, and the number of paid holidays; and pay out accrued sick leave to only at retirement.	\$44,000
3.2 Reduce Fire Department staffing levels by at least 5.0 FTEs. ¹	\$395,000
3.3 Reduce Fire Department overtime. ¹	\$208,000
3.4 Close one fire station.	\$16,000
3.5 Negotiate to reduce firefighter compensation.	\$73,000
4.3 Revise and formalize the process related to the court fines and fees schedule.	\$250,000
Total Cost Savings from Performance Audit Recommendations	\$3,355,800

¹ 3.2 and 3.3 depend upon negotiating to eliminate minimum manning requirements (3.1).

Audit Objectives

The following detailed audit objectives were used to conduct the performance audit of the City of Mansfield. According to *Government Auditing Standards*, “the objectives are what the audit is intended to accomplish. They identify the audit subject matter and performance aspects to be included, and may also include the potential findings and reporting elements that the auditors expect to develop. Audit objectives can be thought of as questions about the program that the auditors seek to answer based on evidence obtained and assessed against criteria.”

Strategic and Financial Management

- What has been the City's financial history?
- Is the City’s budgetary process consistent with leading or recommended practices?
- Are the City’s strategic performance and financial planning efforts providing the appropriate information and measures to aid officials in planning and decision making? How will those efforts be impacted by the City’s new software program?
- Does the City have a comprehensive purchasing policy and corresponding procedures that have been approved by the Council? Are they efficient and effective? Do they address pertinent elements?
- How do key provisions of the AFSCME collective bargaining agreement compare to other cities?
- How do the City’s healthcare costs and benefits compare to leading practices?
- Would the City save money by changing its street lighting and how soon would they begin realizing a return on investment?
- How effective and efficient are the overall income tax operations?
- How do Clerk of Council staffing levels compare to peers and/or industry benchmarks?
- What is the City's role and responsibilities for the Regional Community Advancement (RCA) program?
- How do overall staffing levels and costs for the Water and Sewer Departments compare to peers and/or industry benchmarks?
- How cost-effective is the City’s workers’ compensation program?
- Is the City’s sick leave use in line with industry benchmarks?

Police and Communication Center

- How do staffing, salary and benefit levels compare to peers and industry benchmarks?
- How does overtime use compare to the peers and industry benchmarks?
- Does the City effectively and fully use up-to-date technology to provide efficient operations?

- Is the City responding to calls for service in a timely manner?
- Is the contract for jail services cost-effective?
- Does dispatch use industry protocols and can dispatch operations be consolidated to reduce costs and maintain or improve services?

Fire Department

- How do staffing, salary and benefit levels compare to peers and industry benchmarks?
- How does overtime use compare to the peers and industry benchmarks?
- Does the City effectively and fully use up-to-date technology to provide efficient operations?
- Is the City responding to calls for service in a timely manner?
- Does the City maintain an appropriate number of fire stations?
- How does the City use mutual aid agreements?

Municipal Court (Judge and Clerk of Courts)

- How do staffing, salary and benefit levels compare to peers and industry benchmarks?
- How does overtime use compare to the peers and industry benchmarks?
- Does the Court effectively and fully use up-to-date technology to provide efficient operations?
- How effective and efficient are case management and collection practices?
- Is the Court's fee schedule comparable to peers?

Strategic and Financial Management

Background

This section of the performance audit focuses on the City of Mansfield's (the City) strategic and financial management practices. The objective is to assess operations using leading or recommended practices, industry benchmarks, and selected peer cities.⁶ Sources of leading or recommended practices and industry standards include the 2010 Kaiser Foundation Employer Health Benefits 2010 Annual Survey (Kaiser Survey), the 2010 Ohio State Employment Relations Board Survey (SERB survey), the Ohio Department of Administrative Services (DAS), the Government Finance Officers Association (GFOA), and the Ohio Revised Code (ORC).

As a part of the performance audit, dental, vision, and life insurance; workers compensation; and airport finances were reviewed. These reviews did not yield recommendations. In addition, the assessment of overall income tax costs and collections resulted in a noteworthy accomplishment, while the review of EMS billing, county court consolidation, certain aspects of purchasing, and water and sewer finances resulted in their identification as issues for further study (see the **executive summary**).

Financial Condition and Operations

On August 19, 2010, the Auditor of State placed Mansfield in fiscal emergency under ORC 118.03 (A)(6) and 118.03 (B). The declaration was based on the determination of the fiscal viability of the City's treasury. Analysis revealed the City had a combined deficit fund balance of \$3,407,117 as of December 31, 2009 and \$9,754,827 as of April 30, 2010. Following the fiscal emergency declaration, a Financial Planning and Supervision Commission was created to assist the City in addressing its financial situation and drafting a financial recovery plan. The City of Mansfield's Finance Department (Finance Department) is responsible for financial matters, including disbursement of funds as authorized, investments, financial reporting, accounts payable, cash management, and payroll. The Finance Department also administers and collects the 1.75 percent income tax. The Finance Department charges a 7 percent administrative fee to other funds. This fee is intended to cover the cost of all General Fund employees, such as the Mayor, Human Resources, City Council and the Finance Department, whose work is performed for the benefit of the others funds (see **1.6**).

The Finance Department is staffed by 18.0 full-time equivalent employees (FTEs), consisting of

⁶ See the **executive summary** for a list of peer cities and an explanation of the peer selection methodology. The "peer average" consists of current data from three peer cities unless otherwise noted.

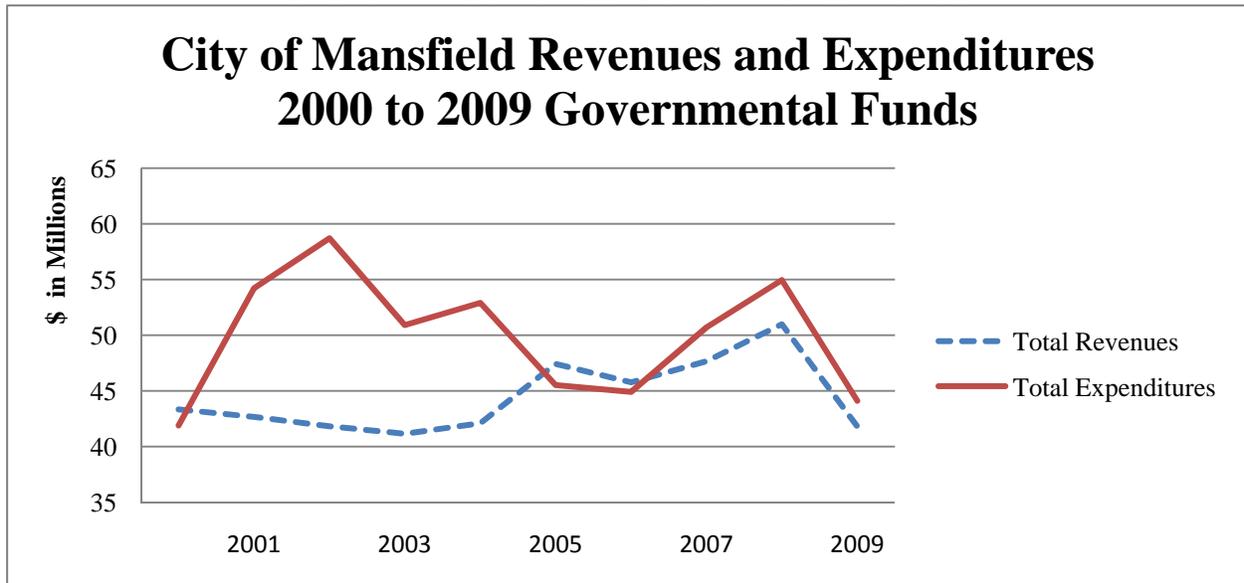
the Finance Director (1.0 FTE), the Assistant Finance Director (1.0 FTE), payroll and finance support staff (9.0 FTEs), and income tax billing and collections (7.0 FTEs) The Finance Director is an elected position. Of the total staff, 10.0 FTEs are covered by the American Federation of State, County, and Municipal Employees (AFSCME) collective bargaining agreement.

In March 2010, the City entered an agreement to purchase a public administration software package. This software is being implemented in stages throughout 2011. According to the vendor, the software will provide the City departments with financial management improvements by enabling features such as real time budgetary information, user friendly reports, streamlined processes, and improved customer service.

Mansfield levies an income tax of 1.75 percent on residency or business activities inside the City. This tax is its primary source of revenue. The first 1.00 percent is a permanent levy. In 2009, an additional four-year, 0.25 percent renewal levy was passed for street resurfacing and is scheduled to expire June 30, 2013. Effective April 1, 1988, an additional four-year 0.5 percent tax was levied for police and fire activities and is scheduled to expire December 31, 2011.

Chart 1-1 presents the City’s operating revenues and expenditures in governmental funds from 2000 to 2009, excluding the impact of other financing sources (e.g., bond proceeds). Governmental funds include the general, community development, safety services and grant funds that are dependent on taxes which must be voted upon by residents, or grants and other funding provided by government entities.

Chart 1-1: Combined Governmental Funds



Source: 2009 CAFR, Changes in Fund Balances, Governmental Funds Last Ten Years

Chart 1-1 shows that the City has incurred structural operating deficits for the majority of the past decade. Specifically, **Chart 1-1** shows that expenditures exceeded revenues in seven of the ten years. From 2001 to 2003, the City was able to achieve an overall positive balance for the government funds only by receiving proceeds from the sale of bonds and note premiums. Likewise, the City achieved a positive balance for the governmental funds in 2009 by receiving \$2.6 million in debt proceeds. By addressing the recommendations in this performance audit, the City would be better able to operate within available resources going forward.

Recommendations

1.1 Develop plans and performance measures to aid in decision-making.

The City should develop strategic and capital improvement plans (CIP), and a financial forecast. Developing such plans and forecasts would help the City proactively address key issues that can impact its operations and financial stability, including future payouts to employees when they leave the City. Similarly, the City should create performance measures to gauge progress toward the achievement of its stated goals and objectives, and to benchmark and assess the performance of departments and functions. The City should use the performance measurements to more effectively manage departmental and program operations, and to communicate the results of operations to administrators, employees, and citizens. Finally, given the significant investment, the City should ensure the new software is fully implemented and employees are appropriately trained to achieve the benefits of the system. The City should use the new software to help with planning efforts and performance measurement.

The City does not have a strategic plan, capital improvement plan (CIP), or financial forecast. Furthermore, the City has not implemented a performance measurement system.

In March 2010, Mansfield entered into a software and maintenance agreement which will provide it with tools to better manage expenditures and appropriations, streamline payroll and HR processes, improve management of utility and community development operations, and enable self service for employees, citizens, and vendors of the community. The software implementation cost is \$627,500 in one-time costs and beginning the second year, \$55,800 in annual software maintenance fees. The software application is scheduled for implementation in stages throughout 2011.

According to *Recommended Budget Practice on the Establishment of Strategic Plans* (GFOA, 2005), all governmental entities should use some form of strategic planning to provide a long-term perspective for service delivery and budgeting, thus establishing logical links between authorized spending and broad organizational goals. The focus of the strategic plan should be on aligning organizational resources to bridge the gap between present conditions and the envisioned future. In developing the strategic plan, GFOA recommends the inclusion of measurable objectives and performance measures.

Multi-Year Capital Planning (GFOA, 2006) states local governments should prepare and adopt a comprehensive multi-year capital plan to ensure effective management of capital assets. It should clearly identify capital and major equipment needs, maintenance requirements, funding options, and operating budget impacts. A capital plan is a component of an entity's strategic plan and is essential to the future financial health of an organization and the continued delivery of services

to citizens and businesses. A capital plan should cover a period of at least three years and preferably, five or more.

Financial Forecasting in the Budget Preparation Process (GFOA, 1999) recommends that governments at all levels forecast major revenues and expenditures. The forecast should extend 3 to 5 years beyond the budget period and should be regularly monitored and periodically updated. GFOA goes on to indicate that a financial forecast provides an understanding of available funding, evaluates financial risk, assesses the likelihood that services can be sustained, identifies future commitments and resource demands, and identifies the key variables that cause change in the level of revenue. The American Institute of Certified Public Accountants (AICPA)⁷ also has detailed guidelines that could assist Mansfield in preparing financial forecasts in a consistent and reliable manner.

According to *Municipal Benchmarks* (Ammons, 2001), a properly developed and administered performance measurement system can offer important support to a host of management functions, including improved accountability, planning/budgeting, operational improvement, program evaluation, allocation of resources, management of operations and contract monitoring. Performance measures permit governments to identify problem areas and, as corrective actions are taken, to detect the extent to which improvements have occurred. Performance measures generally may be categorized as one of four types:

- **Workload (Output):** Indicates the amount of work performed or services received.
- **Efficiency:** Reflects the relationship between the work performed and the resources required to perform it.
- **Effectiveness (Outcome):** Depicts the degree to which performance objectives are achieved or otherwise reflects the quality of local government performance.
- **Productivity:** Combines the dimensions of efficiency and effectiveness in a single indicator.

By developing a strategic plan, a CIP, a financial forecast, and a performance measurement system, Mansfield will be better equipped to effectively target its resources, measure progress towards goal achievement, address the future management of the City, and effectively serve its residents. For example, developing, monitoring and updating a financial forecast would help ensure the City does not overlook the impact of current and future liabilities such as payouts related to unused vacation, sick leave, and compensatory time due to employees when they leave the City. According to information provided by the Finance Director, these payouts amount to a liabilities of approximately \$4.2 million for the City, as of December 31, 2010. The Safety Services Fund represents the largest payout liability at approximately \$2.5 million, followed by the General Fund at approximately \$649,000.

⁷<http://www.aicpa.org>

1.2 Improve the budgetary process.

The City of Mansfield should take steps to address its financial problems by effectively budgeting resources. Specifically, the City should adopt budgetary policies that clarify roles and responsibilities, and address areas recommended by the GFOA, including a policy that defines minimum fund balance requirements. In addition, the City should prepare a budget document that includes pertinent elements such as charts and graphs to summarize the financial information, as well as a narrative to explain the City's goals and objectives for the upcoming year and the impact of the current budget on the long-term finances (see 1.1). The City should also design the budget process to allow for additional stakeholder feedback.

The City's Charter addresses budgets in one location stating, "The Director of Finance shall serve as fiscal advisor to the Mayor and the Council. He shall assist the Mayor in the preparation of the yearly budget, appropriation ordinances or resolutions and statements of anticipated income, and accept any other duties assigned to him by the written request of the Mayor, if such request has been submitted to the Council and approved, by motion, by a majority vote of all members elected to the Council." Due to the Charter's lack of specificity regarding ultimate authority and responsibilities, City Council requested an opinion from the Law Director regarding the power and control over budgets and appropriations. The Law Director determined that it is the responsibility of the Finance Director to furnish estimated revenue projections for the upcoming year. The Mayor is responsible for preparing the annual budget for the departments under his/her control. The responsibility for preparing the annual budget for Council, the Finance Department, Law Department, Clerk of Court, Municipal Court and any independent board or commission lies with the elected officials who head such departments or entities. Once all the individual budget requests are submitted, it is then the Council's responsibility to evaluate and fund collectively a city-wide budget with appropriations. In doing so, Council has the power to make adjustment to the individually submitted budgets so the collective city-wide budget conforms to the available revenues as projected by the Finance Director.

The City's budgetary timeframes established in Ordinance 88-212 are consistent with the Ohio Revised Code (ORC) 5705.38. However, in addition to unclear budgetary responsibilities and guidance in the Charter, the City does not meet certain practices advocated by the Government Finance Officers Association (GFOA). An analysis of the City's budgetary practices compared to the GFOA's recommendations⁸ shows the following:

- **Stakeholder Involvement:** The City's budget process has recently evolved. Elected officials and directors present annual budgets to City Council during budget hearings.

⁸These suggested practices are drawn from *Recommended Budget Practices: A Framework for Improved State and Local Government Budgeting* (GFOA, 1999).

Department supervisors develop budget requests for their respective director, either public works or service and safety. Although City Council holds public meetings, Mansfield does not hold public meetings or community forums solely dedicated to discussing the proposed budget and receiving input from interested citizens. GFOA indicates that by definition, stakeholders are affected by a government's resource allocation plans, and service and program decisions. As such, stakeholders should have clearly defined opportunities to provide input. This helps ensure that stakeholder priorities are identified and enhances stakeholder support for the approved budget. GFOA goes on to indicate that "a general-purpose public hearing shortly before final decisions are made on the budget is not adequate as the sole means of soliciting stakeholder input, especially on major issues."

- **Budget Document:** The City does not prepare, publish or circulate a formal budget document. The only document that is prepared is the appropriation resolution, which quantifies the City's estimated revenues and expenditures. However, it does not communicate the City's fiscal status, demographic information, and staffing levels, nor does it include charts and graphs or written explanations for significant variances in proposed amounts. GFOA states that the budget should be presented in a clear, easy to use format, with the use of multiple documents tailored to the needs of various stakeholders. These may include brief summaries of important information to be used by different audiences to enhance their understanding of important budget issues and tradeoffs. Some elements of a budget document that can assist the reader describe overall funding sources and the organization as a whole. These elements also provide a description of the overall planning and budgeting process and the interrelationships of those various processes, supplementary information about the government and the area for which it has responsibility, charts and graphs to better illustrate important points, succinct and clearly-written summaries, uncluttered pages, and detailed information placed in appropriate locations so that it does not overwhelm the reader. For the budget document to be readily understandable, it not only must contain the appropriate information, but also must be prepared in a manner that is clear and comprehensible.
- **Long-Term Focus:** According to the Finance Director, the annual budget is not linked to formal goals, objectives, and performance measures, and is not tied to any type of long-term financial forecast (see 1.1). Rather, the budget is based primarily on the previous budget, past programs and service levels, meeting current obligations within the collective bargaining agreements, and making short-term adjustments to balance the estimated revenues and expenditures. Without a formal budget document or strategic plan (see 1.1), it is unclear how these goals link to the annual budget, the level of stakeholder involvement in identifying the goals and objectives, or the measurement process in place to determine attainment of the goals. GFOA advocates that a good budget process incorporates a long-term perspective, establishes links to broad organizational goals, focuses budget decisions on results and outcomes, and involves and

promotes effective communication with stakeholders. These characteristics make it clear that the budget process is not simply an exercise in balancing revenues and expenditures one year at a time, but is strategic in nature, encompassing a multi-year financial and operating plan that allocates resources on the basis of identified goals.

- **Policies:** The City lacks financial policies that could have assisted in recognizing future financial difficulties. As a tool for achieving goals, GFOA recommends the following policies: stabilization, fees and charges, debt issuance and management, use of one-time revenues, balancing the operating budget, revenue diversification, and contingency planning. Furthermore, GFOA indicates that "it is essential that governments maintain adequate levels of fund balance to mitigate current and future risks and to ensure stable tax rates. Fund balance levels are a crucial consideration, too, in long-term planning." Accordingly, GFOA recommends that governments establish a formal policy concerning the unreserved fund balance that should be maintained in the General Fund. GFOA suggests that it be no less than 5 to 15 percent of regular General Fund operating revenues, or no less than 1 to 2 months of regular operating expenditures. GFOA goes on to indicate the minimum fund balance policy should be applied and monitored within the context of the long-term financial forecast (see 1.1). These policies help guide the creation, maintenance, and use of resources for financial stabilization purposes.

According to GFOA, a good budget process moves beyond the traditional concept of line-item expenditure control, providing incentives and flexibility to managers that can lead to improved program efficiency and effectiveness.

1.3 Negotiate to reduce health insurance costs.

The City should review, develop, and adopt strategies for improving the cost-effectiveness of its health insurance program. Potential strategies include negotiating to institute employee cost sharing requirements for physician visits and co-insurance; increase employee contributions toward monthly premium costs (e.g., 15 percent), hospital stays and prescription drugs; and raise amounts for deductibles and out-of-pocket maximums. Mansfield should also consider negotiating to implement a three or four-tiered prescription plan. Other potential cost reduction techniques that should be considered include opt out stipends; spousal restrictions; dependent eligibility audits; consortiums; and Consumer Driven Health Plan options. However, prior to enacting any changes, the City should carefully review the provisions under the Patient Protection and Affordable Care Act (PPACA), and ensure that they would realize a net cost savings by implementing the aforementioned changes.

The City of Mansfield is self-insured for medical benefits (PPO plan) and uses a third party administrator to manage health care claims and premiums. Another company processes

prescription drug claims.

Table 1-1 compares the City's health insurance premiums and employee contribution amounts to data published by the State Employment Relations Board (SERB) for governments in Ohio and nationwide data published by the Kaiser Family Foundation (Kaiser).

Table 1-1: Medical Insurance Premium Comparison

	Premiums		Staff Contributions	
	Single	Family	Single	Family
Mansfield	\$501	\$1,260	4.4%	4.2%
Kaiser All Plans Average	\$421	\$1,147	19.0%	30.0%
SERB Columbus Region Average	\$491	\$1,262	13.3%	15.8%
SERB State Average	\$464	\$1,193	11.1%	12.0%

Source: Mansfield Payroll Department, Kaiser 2010 Annual Survey, and SERB 2010 Report.

As shown in **Table 1-1**, the City's insurance premiums exceed both Kaiser and SERB averages, with the exception of the family premium for the SERB Columbus region. Additionally, the employee contribution rates at the City are much lower than the Kaiser and SERB averages. The following plan features contribute to the higher premium costs:

- **Office Visit Co-payments:** The City does not have a co-pay for doctor visits. Conversely, Kaiser reports that the average co-pay for PPO plans is \$22. SERB did not report this data.
- **Co-insurance:** The City does not have a separate employee co-insurance amount. In contrast, SERB reported that 64 percent of managed care plans (PPO, HMO, POS) require some level of coinsurance. Kaiser did not report overall co-insurance amounts.
- **Multi-tier Prescription Drug Co-payments:** The City requires a \$3 co-pay on generic drugs, \$5 for brand name if generic is not available or if the doctor wrote "Dispense as Written", and \$10 for brand name if the member requests it instead of the generic version available. Kaiser reported that workers with a 2-tier drug plan pay \$10 for generic and \$25 for brand name drugs, while the average payments for workers with three, four or more tiers are \$11, \$28, \$49 and \$89. SERB did not report on any two-tier plans. For three or four-tier plans, SERB reported that workers pay \$10 for generics, \$20 for brand name formulary drugs, \$35 for non-formulary brand name drugs, and \$45 for cosmetic/biological drugs.
- **Average Annual Deductible:** The City's annual deductible is \$200 for single and \$400 for family. Kaiser reported that for PPO plans, the average single deductible is \$675 and the average family deductible is \$1,518. Additionally, SERB reported 30 percent of employers have single deductibles ranging from \$125 to \$400, and 28 percent have single deductibles of \$500 or more. SERB also reported 29 percent of those surveyed have family deductibles ranging from \$250 to \$800, and 29 percent have family deductibles of

\$900 or more.

- **Average Cost Sharing for Hospital Visits:** The City requires a \$30 deductible for all emergency room (ER) visits, which is waived if the person is admitted to the hospital. Services are covered at 80 percent during the ER visit. SERB did not report on this topic. Kaiser reported an average co-pay of \$213 for hospital visits, an average coverage level of 83 percent, and a charge of \$157 per day while admitted for PPO plans.⁹
- **Out of Pocket Maximums:** The City requires \$400 for single and \$800 for family out of pocket maximums. SERB reported a statewide median of \$1,000 for single and \$2,000 for family. Kaiser reported that of those who had a maximum, 96 percent face maximums of more than \$999 for single and 96 percent face more than \$1,999 for family.

Other potential cost saving techniques or activities that are not included in the City's plan design are the following:

- **Opt Out Stipends:** SERB reported that 44 percent of the jurisdictions statewide offer a monetary incentive to workers who waive coverage. The average incentive for single coverage was \$1,211 and for family coverage was \$1,694.
- **Spousal Restrictions:** SERB reported 26 percent of entities statewide have some type of spousal restriction for workers whose spouses have other options for medical coverage.
- **Consortiums:** SERB reported that 48 percent of employers statewide are members of consortiums.
- **Consumer Driven Health Plan Options (CDHP):** SERB reported that CDHP comprised 12 percent of all plans reported in the survey. Also referred to as High Deductible Health Plans (HDHPs), these plans have high deductibles that are coupled with a tax-deferred medical care savings account. In 2010, SERB reported the average premium for CDHP plans was \$382 for single and \$1,031 for family, both of which are lower than the other benchmarks in **Table 1-1**. However, SERB reported the average premiums for CDHPs that include employer contributions to deductibles at \$488 for single and \$1,248 for family. These amounts are higher than the Kaiser and SERB statewide averages in **Table 1-1**.
- **Dependent Eligibility Audits:** SERB reported that 55 percent of employers statewide indicated that they or their health plan conducted a dependent eligibility audit in the last three years.¹⁰

According to Strategic Health-Care Plan Design (GFOA, 2009), sponsors of public sector health

⁹ Only 10 percent of covered workers in the Kaiser survey have both a co-pay and co-insurance for hospital admissions; 19 percent have only a co-pay; 53 percent have only co-insurance; 5 percent face a charge per day; 5 percent face a separate annual deductible for hospitalizations; and 19 percent have no separate cost sharing for hospital visits.

¹⁰ According to the Payroll Director, the City requires documentation of full-time status for each quarter or semester of the school year for children in college.

plans face challenges in providing stable, sustainable health-care benefits. Health care cost inflation has put plan sponsors in the position of continually reacting to increased costs, rather than following a long-term plan. Plan sponsors need to find ways to manage the costs of their health care plans within the organization's financial framework and structure in order to be more efficient while continuing to offer a competitive benefit package. GFOA recommends that employers implement cost-sharing measures, such as higher deductibles, co-payments, co-insurance provisions, and employee contributions in order to control costs.

The Patient Protection and Affordable Care Act (PPACA) was signed into Federal law in March 2010. Aspects of PPACA can impact employers' decisions regarding the provision of health insurance benefits. More specifically, PPACA allows plans to be exempt from some of the new regulations, as a grandfathered plan. According to healthcare.gov,¹¹ plans will lose their grandfathered status if they choose to make significant changes that reduce benefits or increase costs to consumers. Compared to their policies in effect on March 23, 2010, grandfathered plans cannot:

- Significantly reduce benefits;
- Increase co-insurance charges;
- Significantly increase co-payment charges;¹²
- Significantly increase deductibles;¹³
- Significantly lower employer contributions;¹⁴
- Add or tighten an annual limit on what the insurer pays; and
- Change insurance companies.

This does not apply to collective bargaining agreements or when employers that provide their own insurance to their workers switch plan administrators. Subsequently, the Society for Human Resource Management reported that an amendment announced on November 15, 2010 will allow group health plans to switch insurance companies without losing grandfathered status. However, if a group health plan switched insurers effective before November 15, it would still lose grandfathered status.

Healthcare.gov also notes that fully-insured health plans subject to collective bargaining agreements will be able to maintain their grandfathered status until their agreement terminates. After that point, they will lose their grandfathered status if they make any of the changes noted

¹¹ Healthcare.gov is a federal government website managed by the U.S. Department of Health and Human Services.

¹² Compared with the co-payments in effect on March 23, 2010, grandfathered plans will be able to increase those co-pays by no more than the greater of \$5 (adjusted annually for medical inflation) or a percentage equal to medical inflation plus 15 percentage points.

¹³ Compared to the deductibles required as of March 23, 2010, grandfathered plans can only increase these deductibles by a percentage equal to medical inflation plus 15 percentage points.

¹⁴ Grandfathered plans cannot decrease the percent of premiums the employer pays by more than 5 percentage points (e.g., decrease their own share and increase the workers' share of premium from 15 percent to 25 percent).

above. However, healthcare.gov does not indicate whether entities would lose grandfathered status if they modify insurance benefits through existing agreements, rather than waiting for the agreements to expire. Healthcare.gov further states that if a plan loses its grandfathered status, consumers in these plans will gain additional new benefits, including coverage of recommended prevention services with no cost sharing and patient protections such as guaranteed access to OB-GYNs and pediatricians. USI Insurance estimates that providing full coverage for preventive care represents a cost increase of up to approximately 2.0 percent for employers.

According to a survey conducted by Mercer in July 2010, 53 percent of respondents indicated they will maintain grandfathered status for all plans in 2011, while 32 percent indicated that they will lose grandfathered status for all plans in 2011 and 15 percent indicated that they will lose grandfathered status for at least one plan. Approximately half of the survey respondents that expect to have a grandfathered plan in 2011 believe they will have to forgo grandfathered status before 2014, and 63 percent of respondents indicated that it would be more cost effective to make changes and lose grandfathered status. Furthermore, organizations that employ fewer than 500 employees predict that costs will increase by 3.0 percent in 2011 because of PPACA provisions. In addition to these cost implications, PPACA contains a significant tax implication for high cost plans. Specifically, the Kaiser Family Foundation indicates that effective in 2018, employers will be subject to a 40 percent tax on the cost of coverage in excess of a \$10,200 for single coverage and \$27,500 for family coverage. The amounts are higher for retirees and those in high-risk positions (\$11,850 and \$30,950, respectively).¹⁵ By comparison, the City's current monthly premiums amount to annual costs of approximately \$6,000 for single coverage and \$15,100 for family coverage per person.

Financial Implication: If the City successfully negotiated an increase in the single and family employee contribution rates to 15 percent, it would save approximately \$832,600 annually, based on its current premium costs. However, if it required a 15 percent contribution and lowered premium costs through the other proposed strategies to the SERB statewide averages, it would save approximately \$897,000 annually. The savings would decline to approximately \$852,000 if the City implements the potential staffing reductions presented in the performance audit. Depending upon the actions implemented by Mansfield and the interpretation of the requirements in PPACA, the City could be subject to additional costs under PPACA. Although it is difficult to quantify these additional costs, this financial implication will be reduced by 10 percent to \$767,000 in an effort to account for the potential additional costs.

1.4 Negotiate to reduce severance, call-in, stand-by and shift differential pay, and vacation accrual rates; and limit sick leave payout to retirement in the AFSCME contract.

¹⁵ These thresholds will be indexed to the consumer price index for urban consumers for years beginning in 2020, may be adjusted upwards if health care costs rise more than expected prior to implementation of the tax in 2018, and will be increased for firms that may have higher health care costs because of the age or gender of their workers.

The City should negotiate to reduce severance, call-in, stand-by and shift differential pay, and vacation accrual rates to be more comparable to the peers or ORC minimum requirements. Regarding severance pay, the City should negotiate a cap on payment and consider lowering the rate that drives the severance payouts. Additionally, the City should negotiate to limit sick leave payouts to staff who are retiring, rather than allowing payments to anyone who leaves employment after 8 years of service. Furthermore, Mansfield should negotiate to provide call-in pay at the regular rate, instead of at the overtime rate.

The American Federation of State, County, and Municipal Employees (AFSCME) collective bargaining unit includes a variety of employees at the City, including the following:

- Mechanics;
- Building maintenance aide;
- Computer/Maintenance technician;
- Meter readers;
- Meter repair;
- Park equipment operator;
- Motor equipment operator;
- Account clerk;
- Payroll clerk;
- Receptionist; and
- Secretary.

The AFSCME agreement was reviewed during this performance audit and the following areas were identified as being restrictive:

- **Call-in pay:** The City is required to pay a minimum of 4 hours at 1.5 times the regular rate of pay. By comparison, Elyria provides a minimum of 2 hours of pay if the call abuts the start of a regular shift and 4 hours if it does not. Newark provides a minimum of 3 hours of pay for any employee called into work outside normal working hours and not contiguous to the regular shift. Warren provides a minimum of 4 hours at 1.5 times the regular rate, except for Water Department service calls when it provides a minimum of 2 hours at 1.5 times the regular rate. Additionally, Elyria and Newark do not stipulate that the minimum hours be paid at overtime rates.
- **Stand-by pay:** The City pays 2 hours if an employee is on stand-by status for at least 1 to 16 hours, which increases to 4 hours pay for more than 16 to 24 hours of stand-by time. If the employee is on stand-by for 48 consecutive hours, the person is paid for 8 hours. For Elyria, stand by turn is a 7 day period and the employee receives 4 hours of pay for that period. For staff required to wear a pager, Warren provides 2 hours pay at 1.5 times the

regular rate. Newark allows employee to receive \$18 or time off at the rate of one hour for each day or part thereof during which the employee is in an off duty, on-call status.

- **Sick leave paid out at separation/retirement:** After 8 years with the City, employees who leave the City receive pay for 33 percent of unused sick leave up to 240 hours, 25 percent of unused sick leave exceeding 240 hours up to 960 hours, and 15 percent of sick leave above 960 hours. Upon full retirement with the City, employees receive 50 percent of the unused hours for 1- 25 years; for 25-30 years, employees receive 100 percent of the unused hours to a maximum of 1,500 hours, then 50 percent for all hours above 1,500. Employees with more than 30 years receive 100 percent of the unused sick leave up to 2,000 hours, then 50 percent for all hours over 2,000.¹⁶ Elyria pays 33 percent of unused sick leave, with a maximum payout of 70 days.¹⁷ Newark pays either 33 or 50 percent of unused sick leave, with a maximum payout of either \$8,000 or \$12,000. Warren pays the full amount of the unused sick leave, with a maximum pay of 780 hours (97.5 days based on an 8-hour day).¹⁸ ORC section 124.39 states that employees with 10 or more years of service can receive payment upon retirement at 25 percent of unused sick leave, not to exceed 30 days.

As noted above, Mansfield provides employees with sick leave payouts after 8 years of service, regardless of whether they retire. In contrast, Newark and Warren provide the payouts only for employees who retire, while Elyria provides sick leave payouts to any staff member that leaves employment after 10 years of service.

- **Shift differential:** Second and third shift employees receive \$0.75 per hour in addition to their straight time for work completed between the hours of 11:00 AM and 3:00 PM. By comparison, the peer cities pay an additional \$0.50 per hour for second shift. Elyria pays an additional \$0.60 per hour and Newark pays an additional \$0.65 per hour for third shift.
- **Vacation accrual:** The AFSCME agreement provides for higher vacation accrual rates than the peers. For example, Mansfield provides more vacation hours than at least two of the three peers in 14 of the first 20 years of service. In addition, the City provides 240 vacation hours for employees with more than 20 years of service, while Elyria, Newark and Warren provide 240 vacation hours for employees with 30, 26 and 23 years of service, respectively.

Financial Implication: If the City paid the average shift differential used by the peers, it would have saved approximately \$10,200 in 2010. Further, for an employee with 30 years of service

¹⁶ A memorandum of understanding lowered the percentages for the payouts upon full retirement for employees hired after September 1, 2010. However, there is still no maximum payout.

¹⁷ For employees hired before July 1 1985, Elyria does not have a maximum payout under the regular severance option. Elyria also gives these employees the option of selecting an alternative severance payout.

¹⁸ For employees hired before January 1, 1986, Warren's maximum payout is 960 hours.

and 2,000 unused sick leave hours, the City would save approximately \$9,000 per employee by lowering the sick leave payout to be more comparable to the peer average.

1.5 Negotiate to discontinue the practice of paying the employees' pension contribution for AFSCME and police staff.

Given the fiscal emergency declaration and recent passage of Senate Bill 5, the City should evaluate whether to continue paying the employees' portion of the retirement contribution for AFSCME and police staff. For instance, the City may need to eliminate this added benefit based on its inability to afford the payments or it may provide an alternative to other actions, such as eliminating positions.

According to the AFSCME and police negotiated agreements, the City pays a portion of the employees' share of pension contributions. Specifically, the City pays 8.5 of the required 10.0 percent retirement contribution for AFSCME employees, while it pays 7.0 of the required 10.0 percent contribution for FOP staff in the Police Department. However, the City does not pay any portion of the employee retirement contribution for the non-bargaining employees and firefighters.

Despite the added retirement payment for AFSCME and police employees, comparisons to the peer cities revealed that compensation levels for these employees was not excessive.¹⁹ Nevertheless, given its fiscal emergency status and the recent passage of Senate Bill 5 (see the **executive summary**), the City may not be able to afford payment of the added retirement benefit for AFSCME and police employees. Discontinuation of these added retirement benefits could be an alternative to eliminating positions. Furthermore, payment of varying amounts of the employee retirement contribution for select staff members creates inequities in the City's provision of compensation and benefits.

Financial Implication: By discontinuing the retirement payments for AFSCME and police employees, the City would save approximately \$714,000 annually. If the City implements the staffing reductions in this performance audit, the estimated savings would decline to \$678,000 annually.

1.6 Eliminate at least 1.0 FTE position in the Clerk of Council.

Mansfield should reduce staffing levels at the Clerk of Council by at least 1.0 FTE. This

¹⁹ This is based on a detailed comparison of salary schedules for the Police Department, similar to the comparison for the Fire Department (see **3.5** in the **fire department** section). For AFSCME, this conclusion is based on a comparison of the lowest and highest salaries in the agreement. While there is a potential for salary rates for specific positions to deviate from the overall conclusion, the initial comparisons reveal that it is unlikely that the AFSCME salaries are significantly contributing to the City's financial condition. As a result, a more in depth analysis of salaries by position in the AFSCME agreement was not pursued in the performance audit.

can be accomplished by reducing the two full-time positions to part-time positions or eliminating one of the positions. In taking any approach to reduce Clerk of Council staffing levels, the City should consult with the Law Director to determine whether a Charter amendment needs to be placed on the ballot for voter approval. The City should further review the job duties and staffing in other departments (e.g., Law Department) to determine whether additional reductions in Clerk of Council staffing levels are possible.

Mansfield's Clerk of Council office employs two full time staff, the clerk and the assistant clerk. The Clerk sends out meeting notices to the press via email, attends full Council meetings and takes notes that are transcribed by the Assistant Clerk. However, no one takes notes or records minutes in the Committee meetings (see 1.7). According to the Law Director, the Law Department processes legislation and ordinances passed by Council. The Law Department is also involved in preparing all final legislation and ensuring that Council members receive PDF copies of the legislation.

The Clerk of Council was established by the City's Charter. Section 3.03 of the Charter states that "Council shall provide for the employment of a Clerk and an Assistant Clerk of Council. Members of the majority political party of Council shall designate the Clerk of Council and members of the next ranking political party of Council shall designate the Assistant Clerk of Council and each of them shall serve at the pleasure of the party members by whom they were designated." According to the Law Director, in order to change the Charter, the City would have to place an amendment on the ballot for voter approval. However, the Charter does not specify that the two clerk positions must be full-time.

While Elyria's Clerk of Council employs a part-time clerk who works 24 hours per week and 2 full-time administrative assistants, Newark's and Warren's Clerks of Council comprise only one full time employee each. Further, in contrast to Mansfield, Newark's and Warren's Clerk of Councils process all legislation.

Financial Implication: By eliminating one full-time position in the Clerk's office, the City could save approximately \$63,000 annually in salary and benefit costs.

1.7 Comply with the Charter and ORC for Council committee meetings.

The City should comply with its Charter and ORC section 121.22 by recording minutes from every Council committee meeting. City Council should consult with the Law Director to determine how best to achieve compliance, including whether the record of the meetings could be solely maintained by audio and/or video recordings.

No one at Mansfield takes notes at or records the Council Committee meetings. The Committee meetings are open to the public and the Clerk emails the meeting notice to members of the press. The City Charter, Section 13.01, references Ohio Revised Code (ORC) section 121.22, as

specifically incorporated into the City's charter and states that the provisions are "applicable to all non decision making committees, agencies, and instrumentalities of the public bodies of the City." ORC section 121.22, subsection (C) states in part that "all meetings of any public body are declared to be public meetings open to the public at all times." The subsection further indicates that "the minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) or (J) of this section." Subsection (B) defines a public body as "...any legislative authority or board, commission, committee, council, agency, authority, or similar decision making body of any county, township, municipal corporation..."

Warren's Clerk of Council sets up recording equipment for every committee meeting. These recordings serve as the minutes of these meetings and are available for the public to inspect. Elyria's Clerk of Council takes notes of, and records, the committee meetings. Newark's Clerk of Council does not attend the committee meetings but all meetings (full and committee) are recorded by the Municipal Court recording system and by the fisheye video system. She also transcribes notes from all the meetings.

Because there are no minutes of the Council committee meetings, the City is violating its Charter and ORC section 121.22.

1.8 Replace traffic signals and street lights with LED fixtures.

The City should continue working toward replacing all City-owned traffic signals and street lights with light emitting diode (LED) fixtures. The City should also actively negotiate with its electric utility supplier to identify strategies for converting the utility-owned street lights within Mansfield to LED fixtures. One potential strategy the City should consider includes paying some of the upfront costs of retrofitting the street lights in return for a long-term price guarantee from the electric utility supplier.

In 2009, the City spent approximately \$688,000 on street lighting. The City Engineer indicated that Mansfield has been gradually replacing incandescent traffic signals with LED fixtures. However, the City does not have the authority to expand the conversion process to include the majority of the street lights. Rather, the City's electric utility supplier owns and operates a majority of the street lights throughout Mansfield. The City pays a tariff to the electric utility for the use of the street lights. The City recently partnered with the cities of Canton, Lima and Marion to petition that their respective electric utility suppliers begin retrofitting street lights with LED fixtures. However, the City Engineer indicated that Mansfield's electric utility supplier did not commit to the project, stating that more research had to be conducted regarding the operating effectiveness of LED fixtures and revision of the tariff structures.

According to the Climate Leadership Group, "...LEDs have been around since the 1960s. They

are regularly used as indicator lights in consumer products and - for the last few years – in traffic and pedestrian signals. Recently, however, they have become practical for general lighting purposes. Although they cost more up front than the bulbs they replace, LED lights use less energy and last longer than conventional bulbs, resulting in significant energy and maintenance savings.”

The City of Ann Arbor (Michigan) has been experimenting with the use of LED fixtures in various forms since 2005. A timeline and summary of Ann Arbor’s experiences include the following:

- 2005 and 2006: The Climate Leadership Group reports that Ann Arbor established a moratorium on new street lighting in 2005 that was aimed at reducing energy costs. As part of this initiative, the City began using LEDs on a full block in downtown Ann Arbor on a trial basis. At the time, Ann Arbor officials estimated that LEDs would reduce energy requirements by 50 percent or more, and would substantially reduce labor and maintenance costs. However, two barriers to citywide implementation were also identified. The first was identifying a funding mechanism to pay the upfront incremental cost of the new fixtures. The second was that the local utility owns and operates many of the street lights throughout the City. Ann Arbor’s Energy Programs Manager indicates that to implement LED fixtures City-wide, Ann Arbor “...will need approval of a new street lighting tariff from the Michigan Public Service Commission which takes into account the lower energy use and maintenance requirements of LED fixtures. Without this tariff, it will not make financial sense to upgrade these utility-owned fixtures.” Nevertheless, the Energy Programs Manager indicates that “without the tariff, it would still be possible to upgrade the City’s 1,640 city-owned fixtures and save approximately \$140,000 annually, or 12 percent of its traffic signal and street lighting budget.”
- 2007 and 2008: After a successful pilot, Ann Arbor expanded the LED project to include the downtown conversion of approximately 1,000 street lights. Specifically, an article from Ann Arbor News reported that “...as part of its goal to be a national leader in energy efficiency, the city announced that it will replace all 1,046 of its 120-watt incandescent street lights downtown with the 56-watt light emitting diode.” The article goes on to state that once completed, “project officials estimate that converting all its downtown lights will save the city \$100,000 a year in energy costs and reduce greenhouse gas emissions by the equivalent of taking 400 cars off the road for a year.” Finally, the article notes that LEDs have a 7-year warranty and are expected to last 10 years, while traditional incandescent lights typically have a two-year life. The Ann Arbor Downtown Development Authority contributed \$630,000 to pay the entire cost of the project expansion.
- 2010: In April 2010, Ann Arbor reached an agreement with DTE Energy to undertake a pilot project that will convert 58 utility-owned street lights to LEDs. An article from the Ann Arbor News reports that under the terms of the agreement, the cost of retrofitting the street lights is being shared equally by Ann Arbor and DTE Energy, with the City’s share

estimated at approximately \$22,000. However, Ann Arbor's annual charge for the utility-owned street lights will decline from \$11,887 to \$6,293, yielding an annual savings of \$5,594 and a four-year payback on its investment.

Likewise, in 2009, a consultant calculated that the Mansfield Lahm Regional Airport would save approximately \$9,100 per year in reduced energy costs by converting 479 incandescent lights to LED fixtures. The consultant also projected the Mansfield Lahm Regional Airport would recoup its investment costs within 4.5 years.

Financial Implication: If the City can reduce costs by 5 percent by expanding the use of LED fixtures, the annual savings would be approximately \$34,000, based on 2009 costs. A conservative savings is used for this analysis due to uncertainty regarding the number of street lights and traffic signals that still need to be converted, and the specific costs associated with the conversion. However, the City of Ann Arbor example shows that the long-term cost savings could be more substantial.

1.9 Implement a system that captures full program costs and recoups the costs, where applicable.

The City should implement a system that captures the full costs of programs, including administrative costs. This would allow the City to conduct a cost benefit analysis of its programs, including the Regional Community Advancement (RCA) programs. Given the City's fiscal emergency status, it should consider charging the RCA groups for the already identified program-related costs via formal agreements and update them to reflect the full costs once they are captured. Mansfield should justify any decision not to bill its costs to the RCA groups based on the program benefits. In general, the City should establish agreements with external entities that reflect the full program costs and recoup them accordingly.

The City owns the Ocie Hill Building, from which the Regional Community Advancement (RCA) programs operate. The RCA programs are human service programs that are administered by the City but are provided by non-profit groups and other community partners. The programs include:

- Culliver Reading Center;
- Help Me Grow;
- Back to School (Bookbag);
- Richland County Board of Health Minority Health Fair;
- Crosby Heritage;
- Mansfield Recreation;
- Police Athletic League (PAL);
- Mansfield Elective Academy;

- Community Health Access Program (CHAP);
- Kinship Care Navigator;
- Tutor Reading Programs;
- IMAC; and
- STAR.

The City fully funds the costs for a maintenance worker, a director who administers the programs, and a project coordinator for the RCA program. In contrast, the other RCA program staff are paid for by the respective grant funds and charged accordingly. However, the City pays unemployment for any staff associated with the RCA programs if their position is eliminated. From 2008 to September 2010, the City paid approximately \$10,000 in unemployment benefits for RCA staff. According to the Finance Director, the City paid approximately \$81,000 for utilities at the Ocie Hill Building in 2009. The costs for the aforementioned three employees, unemployment for RCA staff, and utilities are not charged to the non-profit groups or the respective grants. Starting January 1, 2010, the Finance Department has maintained a separate account to track building improvement costs; however, these costs are also not charged to the RCA programs. The performance audit found evidence to show that the City is only charging for one cost related to the RCA program. Specifically, it charges certain RCA entities for their use of the Ocie Hill Building through lease agreements.

Mansfield charges a 7 percent administrative fee to certain funds for related administrative costs. However, this fee is neither based on the costs associated with the programs nor is it charged to all programs and services. The Finance Director is unaware of the basis for the 7 percent figure. In addition, the City does not determine its administrative costs, thereby preventing it from determining the fee for chargeback purposes. Furthermore, the City lacks agreements with the RCA entities that would allow it to recoup the full costs incurred for these programs.

For Federal grant programs, entities can report indirect costs for reimbursement per Office of Management and Budget (OMB) Circular A-87. Even though Mansfield does not actually receive the grant funds for the RCA programs, the guidance in OMB Circular A-87 could be helpful in determining the actual costs related to the RCA programs. For instance, based on the A-87 guidance, the following costs could be considered when determining the total costs associated with RCA:

- Depreciation or use allowances for the building and equipment;
- Building maintenance;
- Accounting services provided by the City's Finance Department;
- Personnel services provided by the City's Human Resources Department; and
- Technology services provided by the Information Technology Division.

Other services that could be included in the indirect cost system include utilities, courts, safety,

and streets.

By establishing a system that captures all costs, the City would be able to calculate the true costs of providing RCA and other programs. It could then determine the appropriate chargeback fees to cover indirect costs, including administrative costs. Doing so would also ensure the City charges the appropriate amount to each fund to cover indirect costs, including enterprise funds that are intended to be supported by user charges rather than taxes.²⁰

Financial Implication: If the City charged the RCA groups for at least the salary costs related to the Director, Project Coordinator and Maintenance Worker, it would save approximately \$90,600 annually.

1.10 Formalize the RCA relationship.

The City should adopt an ordinance to formally authorize its involvement in the RCA programs. The ordinance should delineate the City's responsibilities, goals, and expected outcomes, and designate an existing staff person to be accountable for the programs.

The City has no enabling ordinance that authorizes the RCA programs or the City's involvement and responsibility. The RCA organization chart is complex and includes many partners and groups. As a result, it is difficult to know who is responsible for any of the programs. The relationship has evolved and is based on historical practices. According to the Finance Department, it is difficult to assign revenue and track costs for each program (see **1.9**) due to the lack of a defined structure.

1.11 Centrally track and monitor sick leave use.

The HR Department should track and monitor sick leave use by department. Subsequently, the HR Department should follow up with the appropriate department supervisors to discuss ways to control and reduce sick leave use.

The City's Human Resources (HR) Department does not track sick leave usage. The HR Director stated that department supervisors track leave use and if abuse is suspected, the HR department becomes involved.

Table 1-2 compares Mansfield's sick leave use to averages reported by the Ohio Department of Administrative Services (DAS) for State government employees.

²⁰ Ohio Supreme Court Case 89-403 cites the following from *Himebaugh v. Canton* (1945) related to water rates or charges or rents: "if employed as a mere device to lessen the burden of taxation for general government purposes, such funds should be considered in the category of taxes."

Table 1-2: City of Mansfield Sick Leave Comparison

	2009 Hours per Employee
Mansfield Fire Department	89.35
Mansfield Police Department	35.67
Mansfield Overall	55.61
DAS Average	50.58
DAS FOP Average	40.29

Source: Mansfield and DAS

As shown in **Table 1-2**, the City's average sick leave use per employee is higher than the overall DAS average in 2009,²¹ primarily due to the Fire Department. However, firefighters work 20 percent more hours in a year than a typical employee, which contributes to their higher sick leave use. Nevertheless, **Table 1-2** shows that sick leave use in the Fire Department is more than 20 percent higher than the Police Department and DAS averages. For instance, the Fire Department's usage exceeded the Police Department by 150 percent in 2009. Because the Fire Department has minimum manning requirements built into its collective bargaining agreement, higher sick leave use contributes to higher overtime to cover for the absences. Additionally, the Fire Department's higher sick leave accrual rates contribute to the higher sick leave use. See **3.1** in the **fire department** section for an assessment of minimum manning requirements and sick leave accrual rates. **Table 1-2** also shows the City's Police Department used fewer sick leave hours per employee in 2009 than the DAS FOP average. DAS does not gather data specifically related to firefighters.

The City used more sick leave in 2010 than in 2009. The City attributes this increase to a requirement that employees use sick leave in connection with the FMLA hours and elimination of the \$500 sick leave incentive for non-bargaining personnel.

According to the article *Sick Leave Abuse: A Chronic Workplace Ill?*, which appeared in American Society for Public Administration and Internal Personnel Management Association, determining if and why employees exploit leave policies is important. Just as an employer analyzes turnover, organizations should also look at sick leave trends. Doing so would help determine if sick leave is higher in one department, or under a particular supervisor, and if workplace policies and procedures affect absences. Finding the root causes of the problem helps address core issues. Methods for monitoring sick leave abuse vary from one organization to another, but the following explains common guidelines all employers can follow to manage sick leave effectively:

- Recognize the problem and intervene early before it escalates. Managers need to enforce leave policies and take appropriate action.

²¹ The City's average use per employee reflects staffing levels at the end of 2009. When including the staff that left employment during 2009, Mansfield's overall average sick leave per FTE declines to 48.15, slightly below the DAS average.

Find out why the employee is abusing leave. Talk to employees who are abusing leave and see if their behavior stems from personal problems.

- Learn to say “No.” Employers should not let employees get away with abusing leave policies.
- Use procedures, regulations, practices and knowledge to benefit management as well as the employee.
- Document everything to learn from past mistakes.

Relying on individual departments to track and monitor sick leave use increases the potential for inconsistent and infrequent methods, and varying definitions of “high” sick leave use. This, in turn, can hinder both the City’s ability to ensure that sick leave use is appropriate and identify strategies for controlling and potentially reducing sick leave use.

Financial implication: The financial impact associated with a reduction in sick leave use by the Fire Department is assumed to be captured in **3.3** of the **fire department** section.

1.12 Comply with civil service testing requirements.

City officials should work with the Civil Service Commission to comply with civil service testing requirements. This would be aided by reviewing job descriptions for appropriate updates (see 1.13). Subsequently, the Civil Service Commission should monitor testing and maintain appropriate documentation to show compliance with civil service rules.

Mansfield has a Civil Service Commission. However, according to City officials, the City competitively tests only police and firefighter recruits. ORC section 124.11 states that municipal employees will be hired in accordance with civil service rules unless otherwise stipulated.

Additionally, the City's charter states in part that unless otherwise exempt, "all original appointments in the safety forces and all promotions in the classified Civil Service of the City shall be made according to merit and fitness, to be ascertained, as far as practicable by competitive examination".

1.13 Review job descriptions.

The Human Resources Department should review the City's job descriptions to ensure they are current, consistent with the required duties of each position, and reflect appropriate requirements (e.g., education levels). Subsequently, the City should adopt a regular cycle (e.g., every two years) for reviewing and modifying job descriptions to ensure they reflect current responsibilities, as well as the educational, experience, and competency requirements for each position. Lastly, the City should document these reviews for tracking

purposes.

AOS reviewed a sample of ten job descriptions. The job descriptions showed posting dates ranging from 1998 to 2009, with one reflecting no posting date. Because there are no other dates reflected on these job descriptions, there is no documented evidence that these job descriptions are still current and relevant, or that they have been reviewed and updated. Further, the job description for the Confidential Coordinator in the HR Department does not include a salary range and requires only a high school diploma or equivalent as the attained education level. The examples of duties in the job description include employee recruitment and selection, payroll changes, purchasing and budgeting. According to the HR Director, the job descriptions are only reviewed when a vacancy is posted.

The article *Performance Appraisal as an Employee Evaluation Tool* (Society for Human Resource Management (SHRM), 2002) states that employees must understand what is expected of them in the performance of their jobs. Behavioral research data clearly indicates that many organizations throughout the global economy today continue to persist in assuming the employee knows what is expected without ever discussing the expectations of the job to be performed.

Police and Communications Center

Background

This section of the performance audit focuses on the City of Mansfield’s (the City) Division of Police (CMDP). The objective is to assess CMDP’s practices against leading or recommended practices, industry benchmarks, and selected peer cities.²² Sources of leading or recommended best practices and industry standards include the Federal Bureau of Investigation (FBI) and the Federal Communications Commission.

As a part of the performance audit of CMDP, salary levels and technology were reviewed. These reviews did not yield recommendations. In addition, the assessment of CMDP’s accreditation and policing efforts resulted in noteworthy accomplishments, while the review of the jail contract resulted in an issue for further study (see the **executive summary**).

Organization and Staffing

CMDP’s stated mission is “to deliver to the citizens of Mansfield a professional police service dedicated to improving the quality of life through a community partnership, which promotes safe, secure neighborhoods.” To accomplish this mission, CMDP employs 83 full-time equivalent (FTE) sworn staff, 20 civilian support staff FTEs, and 15 Communication Center FTEs. A summary description of CMDP’s staffing levels includes the following:

- **Sworn Staff:** CMDP’s 83 sworn police officer FTEs consist of a Chief of Police, an Assistant Chief of Police, 19.0 command staff FTEs (sergeants, captains and lieutenants) and 62.0 police officer FTEs. The sworn staff is responsible for providing 24 hour patrol services throughout the City, responding to calls for service, performing criminal investigations, coordinating community outreach initiatives and overseeing certain support functions, such as technology management, police officer training and records management. In addition, the Chief of Police and Assistant Chief of Police are responsible for CMDP’s administrative duties, including formulating departmental policies, engaging in planning (which includes staffing), developing budgets, managing personnel, and representing CMDP in external relations.
- **Civilian Support Staff:** CMDP’s civilian support staff consists of a Supervisor, a Correction Officer/Aide, a Laborer, 6.0 records clerk FTEs, 6.5 secretary/clerical FTEs,

²² See the executive summary for a list of peer cities and an explanation of the peer selection methodology. The “peer average” consists of current data from three peer cities unless otherwise noted, while the “prior audit average” consist of data collected from past performance audits. The number of cities comprising the prior audit average is reflected in the corresponding assessments.

and 4.5 forensic lab FTEs. These individuals are responsible for providing services in support of CMDP's policing activities.

- **Communications Center:** The stated mission of the Communications Center is "to provide an open line of reliable and accurate communication between the public and the safety forces that protect and serve the community in order to provide a safer environment in which to live." The Communications Center employs an Operations Supervisor, a Shift Supervisor, and 13.0 telecommunicator FTEs that are responsible for taking the calls and dispatching personnel and equipment for police, fire and medical emergencies within the City limits.

Collective Bargaining

CMDP has three collective bargaining agreements (CBAs) that represent the majority of employees. All sworn officers below the rank of sergeant belong to the Fraternal Order of Police, Ohio Labor Council - Patrol Officers bargaining unit (FOP Patrol); sworn officers with the rank of sergeant or above (excluding the Chief of Police and Assistant Chief of Police) belong to the Fraternal Order of Police, Ohio Labor Council, William Taylor Lodge 32 – Command Officers bargaining unit (FOP Command); and full-time records clerks, telecommunicators (dispatchers) and other support staff belong to the American Federation of State, County and Municipal Employees Local Number 3088 (AFSCME) bargaining unit. The FOP Patrol and FOP Command CBAs are effective from September 1, 2009 through August 31, 2012. The AFSCME CBA is effective from May 1, 2009 through April 30, 2012. See **2.3** for a review of certain provisions from the FOP Patrol and FOP Command CBAs. A review of the AFSCME CBA is included in the **strategic and financial management** section of this performance audit.

Operating Statistics

Table 2-1 presents key operational data for CMDP, the peers, and the prior audit average.

Table 2-1: Operating Data

	Mansfield	Elyria	Newark	Warren	Peer Average	Prior Audit Average ¹
Square Miles ²	29.9	19.9	19.6	16.1	18.5	10.6
Population	49,579	54,979	47,236	43,789	48,668	26,023
Police Ratios						
Officers Per 1,000 Citizens	1.7	1.5	1.7	1.4	1.5	1.8
Calls For Service per Officer	476	448	384	566	466	675
Total Violent & Property Crimes per Officer ³	35	32	28	37	32	26
Violent & Property Crimes per 1,000 Citizens	58	47	46	53	49	49
Response Times (Dispatch to Arrival)	5:40	Not Provided	Not Provided	Not Provided	N/A	5:12
Communication Staff Ratios						
Communications staff per 10,000 Citizens	3.0	1.6	1.7	3.0	2.1	2.9
Calls per FTE ⁴	3,144	4,083	3,789	2,745	3,539	5,702
Support Staff Ratios						
Support Staff Per 10,000 Citizens	4.0	1.5	2.1	1.1	1.6	2.2

Source: CMPD, peers, and the FBI.

¹The prior audit average consists of 28 cities, with the exception of calls for service per officer (18), crimes per officer (20), crimes per 1,000 citizens (20), response times (11), communication staff per 10,000 citizens (18), calls per communications FTE (7), and support staff per 10,000 citizens (15).

²Total square miles includes all land and water areas.

³The violent and property crimes are reported by the Federal Bureau of Investigation for 2009.

⁴In 2009, CMPD dispatched 39,470 police calls for service and 7,685 fire calls for service. The communication staff at Elyria and Newark only dispatch police calls for service. As such, Elyria's and Newark's total number of calls dispatched is equal to the police calls for service (36,747 and 30,315, respectively). Warren did not provide the total calls dispatched in 2009. To be conservative, **Table 2-1** assumes that Warren's total calls dispatched equals the police calls for service (35,680), similar to Elyria and Newark.

Table 2-1 shows that CMAP's ratio of officers per 1,000 citizens (1.7) is higher than the peer average (1.5), but slightly lower than the prior audit average (1.8). Conversely, **Table 2-1** shows that CMAP handles more calls for service per officer (476) than the peer average (466), but significantly fewer than the prior audit average (675). In addition, **Table 2-1** shows that CMAP responded to more crimes per officer and the City experienced more crimes per 1,000 citizens than the respective peer and prior audit averages. **Table 2-1** also shows that CMAP employs more communication FTEs per 10,000 citizens (3.0) and processes fewer calls for service per FTE (3,144) than the respective peer averages (2.1 and 3,539) and prior audit averages (2.9 and

5,702). Likewise, CMDP employs more support staff per 10,000 citizens (4.0) than the peer average (1.6) and the prior audit average (2.2). Finally, **Table 2-1** shows that CMDP's response times (5:40 minutes) are higher than the prior audit average (5:12 minutes). However, the response times may not be fully accurate. See **2.1** and **2.5** for an additional discussion of CMPD's staffing levels and response times.

Recommendations

2.1 Eliminate 4.0 FTE support staff positions and at least 1.0 FTE telecommunicator position.

The City should eliminate 4.0 support staff FTEs and at least 1.0 telecommunicator FTE, and further explore consolidating dispatch operations for additional savings (see 2.2). Additionally, prior to reducing police officer staffing levels, the City should ensure compliance with the COPS grant requirements and consider relevant factors, including population served,²³ response times, crime rates, policing goals, and its financial condition.

In October 2010, CMDP employed 83 sworn police officer FTEs, 15 communications staff FTEs, and 20 support staff FTEs. The following analyzes these staffing levels:

Police Officers

Table 2-1 shows that based on the number of citizens, calls for service and crimes, CMDP's police officer staffing levels are reasonable. Furthermore, the FBI reports that the average police officer staffing level for Midwest communities with populations ranging from 25,000 to 49,999 was 1.6 officers per 1,000 citizens in 2009, similar to CMDP (1.7). CMDP's lower calls for service per officer (476 per year or 1.8 per day) when compared to the prior audit average (675 per year or 2.6 per day) may be due in part to its proactive policing activities that can have a favorable impact on calls for service and crime rates. For instance, calls for service declined each year from 2006 to 2009 (see **Noteworthy Accomplishments** in the **executive summary**). In addition, CMDP is responsible for covering a significantly larger area than the prior audit peer average. Specifically, the City encompasses 29.9 square miles, nearly three times the size of the prior audit average (10.6 square miles). CMDP's staffing levels equate to 2.8 officers per square mile, much lower than the peer average (4.0) and the prior audit average (4.9).

The Police Chief indicated the City planned to reduce 17 police officers through layoffs during 2009. However, the City recalled these employees when it was awarded a COPS Hiring Recovery Program (CHRP) grant. CHRP advertises that grant recipients receive "... 100 percent of the funding for approved entry-level salaries and benefits for three years for newly hired, full-time sworn officer positions or for re-hired officers who have been laid-off, or are scheduled to be laid-off on a future date, as a result of local budget cuts." CHRP goes on to state "... at the conclusion of federal funding, grantees must retain all sworn officer positions awarded under the CHRP grant. The retained CHRP-funded positions should be added to the grantees law enforcement budget with state and/or local funds, over and above the number of locally funded positions that would have existed in the absence of the grant." Additionally, CHRP states that grant recipients are required to submit a retention plan that is signed by a law enforcement

²³ The City's population count includes prisoners, who are not directly served by patrol officers.

executive and a government executive that includes the grants encompassed by the plan, the number of positions retained, and the proposed local source of funding to be used at the expiration of the grant. In order to maintain compliance, CHRP indicates that grantees are required to maintain the positions for one full budget cycle using local resources after the CHRP grant expires. If the City had reduced 17 positions, CMDP's calls for service per officer would have increased to 598, while the officers per 1,000 citizens and officers per square mile would have declined to 1.3 and 2.2, respectively. Finally, CHRP indicates that "to comply with the nonsupplanting requirement of the COPS statute, if your agency experiences a reduction-in-force during the grant award period, your agency must be able to provide documentation demonstrating that the reduction-in-force occurred for reasons unrelated to the availability of CHRP funds... These records should be maintained with your CHRP grant records during the grant period and for three years following the official closeout of the CHRP grant in the event of an audit, monitoring, or other evaluation of your grant compliance."

Communications

Table 2-1 shows that CMDP employs 3.0 communications FTEs per 10,000 citizens while the peer average is 2.1. However, the higher staffing level is partially due to the fact that CMDP dispatches police and fire calls for service while the communication staff at Elyria and Newark only dispatch police calls. Nevertheless, **Table 2-1** also shows that CMDP's communications staff handled fewer calls for service per FTE (3,144) than the peer average (3,539). Similarly, **Table 2-1** shows CMDP employs more communication FTEs per 10,000 citizens and handles fewer calls per FTE than the prior audit averages (2.9 and 5,702). In addition, a 2008 performance audit of the City of Lakewood reported that the cities of Lakewood, Euclid, and Kettering employed an average of 2.4 communication FTEs per 10,000 citizens and handled an average of approximately 6,600 police, fire and EMS calls for service per FTE. Likewise, a 2004 performance audit of the City of Lorain showed that the cities of Lorain, Hamilton and Springfield employed an average of 2.0 communication FTEs per 10,000 citizens and handled an average of approximately 5,080 police, fire and EMS calls for service per FTE.

If the City eliminated at least 1.0 telecommunicator FTE, it would still employ more communication FTEs per 10,000 citizens (2.8) and dispatch fewer calls per communication FTE (3,368) when compared to the aforementioned benchmarks, with one exception (the prior audit average FTEs per 10,000 citizens). While some of the staffing benchmarks suggest that the City could eliminate additional telecommunicator FTEs, eliminating 1.0 FTE would help ensure that CMDP can staff at least two telecommunicator employees per shift and implement alternative scheduling strategies to reduce overtime use (see **2.4**). Furthermore, reducing sick leave use and vacation accrual rates (see **2.4**) may allow for additional staffing reductions in the future within CMDP's Communication Center.

However, consolidating operations with other entities would likely allow the City to achieve the

optimal level of cost savings for the dispatch function (see 2.2).

Support Staff

Table 2-1 shows that CMDP employs 4.0 support staff FTEs per 10,000 citizens while the peer average is only 1.6 and the prior audit average is 2.2. The Police Chief indicated that CMDP is unique because it operates a comprehensive forensic crime lab capable of completing homicide and DNA work. The Police Chief further indicated that the costs of the crime lab are nearly entirely covered through grants and contracted work from neighboring cities. If the 4.5 forensic lab FTEs are excluded, CMDP's revised support staff FTEs per 10,000 citizens would be 3.1. The City would need to reduce 4.0 of the remaining 15.5 support staff FTEs in order to achieve the prior audit average of 2.2 FTEs per 10,000 citizens.

Financial Implication: The City would save approximately \$53,000 in annual salaries and benefits by reducing 1.0 telecommunicator FTE, which is based on the actual salary and benefit costs for the least senior employee. The City would save approximately \$187,000 in annual salaries and benefits by reducing 4.0 support staff FTEs, based on the actual salary and benefit costs for the least senior employees.

2.2 Consolidate dispatch operations.

The City should explore opportunities to consolidate dispatch operations with other entities. For instance, the City should continue working with the County to develop strategies for consolidating their respective dispatch operations. Alternatively, the City and County could consider contacting Ashland and Wayne counties to determine whether a regional dispatch operation that covers all three counties would be feasible. Furthermore, the City should ensure that any proposal for consolidation would provide long-term savings. To aid in this effort, the City should review the findings and recommendations from the Communication Security, Reliability and Interoperability Council's study, and meet with representatives from the Montgomery County Regional Dispatch Center and the Westshore Central Dispatch Center.

The City currently employs 15 Communication Center employees that are responsible for receiving and dispatching calls for police, fire and EMS services. In 2010, the Communication Center is budgeted to incur approximately \$883,000 in employee salary and benefit costs, or \$18.72 per call for service. The Police Chief indicated that the City is currently in discussions with the Richland County Sheriff's Office concerning the possibility of combining dispatch operations. The Police Chief further indicated there will be many upfront costs that have to be considered. For example, the City recently upgraded all of its dispatch, MDT and records management software while the Richland County Sheriff's Office uses older technology. To consolidate operations, both entities would likely need to be using the same software.

However, certain financing strategies could be implemented to help mitigate the impact of these upfront costs.

The article *FCC Group IDs Center Consolidation Issues* (Dispatch Magazine, 2010) states that a "...working group of the Federal Communications Commission (FCC) has published a report detailing the intricacies of consolidating public safety communications centers, and identifying issues that have already been obvious. The Communication Security, Reliability and Interoperability Council (CSRIC) was formed in early 2009 and tasked with providing recommendations on optimal security, reliability and interoperability of communications systems, including telecommunications, media and public safety communications. Among the group's findings on consolidation projects were that a trusted champion must lead the project, that buy-in is the second most important challenge, that legislation may be required to create sustainable funding, and that personnel issues require a great deal of thought at the policy level early on. Despite the challenges, consolidation can produce long-term cost efficiencies, the group concluded, and will result in better trained and more focused work force, increasing the level of public safety."

The Montgomery County Sheriff's Office began operating the Montgomery County Regional Dispatch Center (MCRDC) in March 2009. Current members of the MCRDC include the following communities: Brookville, Butler Township, Clayton, Clay Township, Five Rivers Metro Park, German Township, Germantown, Harrison Township, Jackson Township, Jefferson Township, Miamisburg, Montgomery County Sheriff's Office, New Lebanon, Perry Township, Phillipsburg, Riverside, Trotwood, Washington Township, and Verona. In addition, the City of Dayton is scheduled to join the MCRDC when certain technical issues have been resolved. Each community signed a 20 year contract with the MCRDC, and the current fees are set at \$9.00 per call dispatched. In the article *Dispatch Center's Savings Touted* (Dayton Daily News, 2010), the Montgomery County Sheriff indicated that the \$9.00 fee is much less expensive for a community than the cost of establishing and maintaining its own dispatch center. The Montgomery County Sheriff also stated that "...overall, taxpayers will see a tremendous cost savings and there's less duplication in purchasing resources. As technology continues to improve, the necessary equipment keeps changing. We already have the needed equipment, so we are saving the taxpayers those upgrade costs." The MCRDC can handle police, fire and EMS calls for service.

The cities of Westlake, Bay Village, Rocky River, Fairview Park, and North Ridgeville formed the Westshore Central Dispatch Center (WCDC) in 2006 after receiving a \$600,000 federal grant to purchase startup equipment. WCDC's Supervisor indicated the Center is staffed with trained civilian dispatchers, but only handles calls for fire and EMS services in the five communities. The Supervisor indicated that each member community pays a yearly fee that is based on the size of the community, real estate values, and the number of yearly fire and EMS runs. The Supervisor estimated that a large member city currently pays approximately \$190,000 to \$200,000 in annual costs.

Lastly, the potential for establishing a regional dispatch operation by consolidating services within Wayne and Ashland counties is currently being studied, with a final report of the study planned for June 2011. Richland County borders Ashland County.

Financial Implication: Based on the City's budgeted salary and benefit costs per call in 2010 (\$18.72), the number of calls in 2009, and MCRDC's cost per call (\$9.00), the City could save approximately \$459,000 annually by contracting with Richland County. The City could also realize savings related to other operating costs of the Communication Center, which amounted to approximately \$40,000 in 2009. However, due to some of the unknown factors, such as upfront costs, this financial implication is conservatively estimated at approximately \$230,000, or 50 percent of the abovementioned potential savings.

2.3 Negotiate to reduce severance pay, shift differential pay, and vacation accrual rates; limit sick leave payout to retirement; and offer only one method for sick leave incentive.

The City should negotiate to reduce both the severance and shift differential pay, and vacation accrual rates. Regarding severance pay, the City should negotiate a cap on payment and lower the rate that drives the severance payouts (e.g., pay 25 to 50 percent of the sick leave balance) to be more comparable to the peers or ORC minimum requirements. Additionally, the City should negotiate to restrict sick leave payouts to only staff who are retiring, rather than to anyone who leaves employment after 8 years of service. The City should also negotiate to offer either a cash payment or compensatory time conversion as a sick leave incentive, but not both.

The City's CBAs with the FOP Patrol and FOP Command were reviewed during this performance audit. The following provisions were identified as being more generous than the comparable benchmarks:

- **Severance Pay:** Both CBAs provide for an unlimited maximum accumulation of sick leave. The CBAs further stipulate that upon retirement, an employee with 30 years of service shall be compensated for accrued, unused sick leave in accordance with the following schedule: 1 hour for every 1 hour accrued up to a maximum of 2,000 hours, and 1 hour for every 2 hours accrued for all hours remaining beyond 2,000.²⁴ Because of these provisions, the City does not have a maximum liability for severance payouts. By comparison, ORC § 124.39 states that employees with 10 or more years of service may receive payment equal to 25 percent of 120 days at retirement, capping payment at thirty days or 240 hours, assuming an 8-hour workday. The City of Elyria pays for 33 to 50 percent of accumulated sick leave and limits its severance payout to 105 days (840 hours)

²⁴ Retiring employees with between 1 and 25 years of service receive 1 hour for every 2 hours accrued. Retiring employees with between 25 and 30 years of service receive 1 hour for every 1 hour accrued up to 1,750 hours, and 1 hour for every 2 hours accrued for all hours remaining beyond 1,750.

for patrol officers and 70 days (560 hours) for command officers.²⁵ The City of Newark pays for 50 percent of accumulated sick leave and limits its severance payout to \$15,000 for all police staff. While the City of Warren pays 100 percent of the sick leave balance, it limits its severance payout to 120 days (960 hours) for all police staff.

The City's severance pay provisions result in significantly higher operating costs and future long-term liabilities when compared to the aforementioned benchmarks. For example, if a patrol officer retires with 30 years of service and 275 sick days accrued (2,200 hours), the City's severance liability would be approximately \$50,000, while the liability using the ORC minimums (capped at 30 days) would be approximately \$6,000 and the average of Elyria, Newark and Warren would be \$20,000.

In addition to sick leave payouts at retirement, both CBAs at Mansfield provide sick leave payouts to staff that resign after 8 years of service. The payout percentages range from 15 to 33 percent, with no maximum liability. Elyria provides the aforementioned sick leave payouts to staff that retire or leave employment for any reason after 10 years of service. However, the CBAs at Newark and Warren restrict sick leave payouts to staff who retire.

- **Shift Differentials:** Both CBAs state that "...employees assigned on a regularly scheduled basis to second, third, mid-watch or a flexible schedule in community policing shall receive watch differential pay of \$1.00 per hour, in addition to the employee's straight hourly rate of pay." By comparison, Newark provides shift differential pay of \$0.72 per hour to employees working the second and third shifts. Warren provides shift differential pay of \$0.45 for employees working the afternoon shift and \$0.50 for employees working the midnight shift. Elyria's CBA does not address shift differential pay.
- **Vacation Accrual Schedule:** The City's vacation accrual rates under both CBA's are more generous than the peers and ORC § 325.19. For example, CMDP employees receive 96 hours of vacation time after 1 year of service, 144 hours after 10 years of service, 192 hours after 15 years of service and 240 hours after 20 years of service. Conversely, if the City adopted ORC § 325.19, its employees would accrue 80 hours of vacation time after 1 year of service, 120 hours after 10 years of service, 160 hours for 15 and 20 years of service, and 200 hours after 25 years of service. Likewise, the peer average accrual rate is lower than CMDP, at 80 hours after 1 year of service, 120 hours after 10 years of service, 160 hours after 15 years of service, 200 hours after 20 years of service, and 240 hours after 25 years of service. Providing employees with more vacation time can increase overtime use and reduce productivity since there are fewer

²⁵ These maximum payouts apply to employees hired on or after July 1, 1985. Elyria does not have a maximum payout for employees hired before this date.

work days devoted to operations. For example, an employee with 30 years of service at Mansfield would accrue 5,280 hours of vacation leave during their career while the peer average is 4,920. This difference equates to approximately \$9,000 per employee using the beginning pay rate for a patrol officer.

- **Sick Leave Incentives:** Both CBAs include sick leave incentives. Specifically, the CBAs state "...an employee who uses no sick leave during any calendar year shall receive a \$500 bonus; an employee who uses 1 day or less shall receive a \$400 bonus; an employee who uses 2 days or less shall receive a \$300 bonus." The CBAs also state that "an employee who has 600 hours of accumulated sick leave on January 1 of each year may elect to convert up to 80 hours of unused, accumulated sick time into compensatory time." Although each of the peers offer some form of sick leave incentive, none of them offer both a cash payment and the opportunity to convert sick leave to compensatory time. For example, Elyria offers employees up to 16 hours of compensatory time if they do not use any sick time for 12 months. Likewise, Newark allows employees that have accumulated 480 hours of sick time to annually convert sick leave to cash based on a graduated scale that considers sick leave usage during the prior year. Finally, Warren offers its employees the potential to earn up to \$600 annually for perfect attendance.

During the course of this performance audit, the City reached an agreement with the FOP Patrol and FOP Command to modify the sick leave incentive payments. Specifically, the memorandums of understanding state "an employee who uses no sick leave during the 12 month period from September 1 to August 31 shall receive 16 hours of compensatory time credit; an employee who uses 1 day or less shall receive 8 hours compensatory time credit; and an employee who uses 2 days or less shall receive 4 hours of compensatory time credit." However, this concession is only effective through August 2012. At that time, the sick leave bonus payments will be reinstated.

Financial Implication: The City had 5 police officers retire in 2009 with a total severance payout of \$201,501. Likewise, through October 2010, the City had 4 police officers retire with a total severance cost of \$244,592 in 2010. If the City adopted maximum sick leave payout provisions similar to the peers, the savings would have been approximately \$88,000 in 2009 and \$154,000 in 2010, or an average of approximately \$121,000 annually (\$27,000 per employee).

In 2009, the City spent approximately \$77,000 on shift differential pay. Reducing the shift differential pay to the average of Newark and Warren (\$0.61 per hour) would save the City approximately \$30,000 annually.

The City could achieve additional cost savings by lowering vacation accruals and offering only one option for sick leave incentives. However, these savings would depend on the specific changes negotiated for vacation accrual and sick leave incentives, and their potential impacts on other factors (e.g., overtime).

2.4 Reduce non-sworn officer overtime costs in the Police Department.

The City should actively monitor future overtime costs to determine if the revised scheduling practices and other actions are minimizing overtime. If non-sworn overtime does not significantly decline during the first quarter of 2011, the City should review the scheduling practices and other actions, and adjust as necessary. Additionally, CMDP should review the high sick leave usage by Communication Center employees, work with the Human Resources Department to ensure that it is being used appropriately, and take action if abuse is suspected. This will ensure that potential sick leave abuse is not negatively impacting overtime costs. Addressing sick leave misuse or abuse could be aided by centrally tracking and monitoring sick leave use on a Citywide basis (see the strategic and financial management section). Furthermore, the City should negotiate to reduce vacation accrual rates in the AFSCME agreement, which would help minimize overtime.

Table 2-2 compares CMDP's 2009 overtime costs compared to the peers.

Table 2-2: 2009 Overtime Comparison

	Mansfield	Elyria	Newark	Warren	Peer Average
Sworn Officer Overtime Costs	\$347,271	\$384,676	\$344,079	\$249,498	\$326,084
Per Citizen	\$7.00	\$7.00	\$7.28	\$5.70	\$6.67
Per FTE	\$4,184	\$4,691	\$4,355	\$3,960	\$4,336
Non-Sworn Overtime Costs	\$149,220	\$37,267	\$36,794	\$63,504	\$45,855
Per Citizen	\$3.01	\$0.68	\$0.78	\$1.45	\$0.97
Per FTE	\$4,263	\$2,192	\$2,044	\$3,528	\$2,588
Total Overtime Costs	\$496,491	\$421,943	\$380,873	\$313,002	\$371,939
Per Citizen	\$10.01	\$7.67	\$8.06	\$7.15	\$7.63
Per FTE	\$4,208	\$4,262	\$3,927	\$3,864	\$4,018

Source: CMDP and peers

Table 2-2 shows that CMDP's total overtime costs per citizen (\$10.01) and per FTE (\$4,208) are higher than the respective peer averages (\$7.63 and \$4,018). This is due to non-sworn staff overtime. Specifically, the sworn officer overtime costs per FTE are lower than the peer average. While the sworn officer overtime costs per citizen are higher than the peer average, they are lower than Newark and similar to Elyria. Moreover, the Police Chief indicated that CMDP receives several grants that are specifically designed to reimburse municipalities for police officer overtime costs. In 2009, CMDP received approximately \$60,000 in overtime reimbursement grants.

In contrast to the sworn officers, Table 2-2 shows that CMDP's overtime costs for non-sworn staff are significantly higher than each peer, on both a per citizen and per FTE basis. However, CMDP's overtime costs include approximately \$29,000 related to the operation of the forensics

lab. The Police Chief indicated that the majority of this overtime is covered through grants and contracts from neighboring cities. When excluding \$29,000 in forensics related overtime, CMDP's revised overtime cost per citizen would be \$2.42 while the revised cost per FTE would be \$3,433, both of which are still higher than the peer averages. Likewise, the revised ratios are much higher than the City of Lakewood, which also dispatches police, fire and EMS calls for service. Specifically, in 2008, Lakewood spent \$41,000 on non-sworn overtime costs, or \$0.82 per citizen and \$1,728 per FTE.

In 2009, the Communication Center represented approximately \$105,000 of CMDP's total overtime expenditure excluding the forensics lab (\$120,000), or 88 percent. CMDP's Communication Center Supervisor indicated the City recently adopted strategies that should help reduce future overtime costs. These strategies include limiting the number of telecommunicators that can use vacation time to one per day and operating a mid-shift that will better match the staffing levels to peak demand periods. Nevertheless, high sick leave use and vacation accrual rates increase the potential for overtime. For example, Communication Center employees used an average of 65 hours of sick leave in 2009. By comparison, the Ohio Department of Administrative Services reports that the average sick leave use for approximately 59,000 State employees was 45 hours in FY 2007-08 and 50 hours in FY 2008-09. Furthermore, the AFSCME agreement provides for higher vacation accrual rates than the peers, which can require more overtime. For instance, Mansfield provides more vacation hours than at least two of the three peers in 14 of the first 20 years of service. Lastly, the City provides 240 vacation hours for employees with more than 20 years of service, while Elyria, Newark and Warren provide 240 vacations hours for employees with 30, 26 and 23 years of service, respectively. See the **strategic and financial management** section for more information on sick leave use and the AFSCME agreement.

Financial Implication: If CMDP reduced its non-sworn overtime costs per FTE (\$4,263) to the peer average (\$2,588), the annual savings would be approximately \$59,000. If the City eliminated 5.0 non-sworn FTEs (see 2.1), it would reduce the overtime savings to approximately \$50,000 annually

2.5 Improve response time tracking.

CMDP should review the accuracy of its dispatch and reporting system for tracking and reporting average response times for emergency and non-emergency calls for service. This should include a review of the data inconsistencies identified during this audit. Taking these steps will ensure the City is making decisions based on accurate information.

Table 2-1 shows that CMDP's average response time (5:40 minutes) is higher than the prior audit average (5:12 minutes). Additionally, Municipal Benchmarks (Ammons, 2001) reports that based on a study conducted by the League of California Cities, high service-level police

departments should respond to emergencies within five minutes.

To help manage response times, CMDP actively monitors its calls for service and uses flexible scheduling to match staffing resources to peak activity levels. CMDP's higher average response time can be due in part to the size of the City (29.9 square miles) relative to the prior audit average (10.6 square miles). As a result, CMDP averages 2.8 officers per square mile, much lower than the prior audit average of 4.9. However, CMDP's reporting system can impact the average response times. For example, CMDP cannot easily differentiate between response times for emergency and non-emergency calls for service. Furthermore, AOS identified certain inconsistencies during its review of the police and fire response time data. For example, the City's response time report shows the average call to dispatch time for police calls was 11 minutes and 25 seconds in 2008, but only 50 seconds for fire calls. However, from September 2009 through December 2009, the average call to dispatch time for both police and fire calls is exactly the same at 10 minutes and 59 seconds. Likewise, the average dispatch to arrival time for both police and fire calls is 5 minutes and 43 seconds during this same timeframe. The Communications Center Supervisor indicated that CMDP upgraded its dispatching and reporting system in January 2010, which may improve the reporting capabilities going forward.

2.6 Obtain Emergency Medical Dispatch certifications and develop protocols.

CMDP should require that all Communication Center employees obtain the Emergency Medical Dispatch (EMD) certifications and develop formal dispatch protocols. Doing so will help ensure that all dispatch employees can efficiently and effectively perform their duties.

CMDP does not require Communications Center employees to obtain certification as Emergency Medical Dispatchers (EMD). In practice, the Communications Center Supervisor indicated that new employees complete a year-long probationary period. During that time they receive on-the-job training. The Communications Center Supervisor also stated that the Communications Center does not have formal dispatch protocols, and that employees usually develop their own informal cheat-sheets during their probationary period. Finally, the Communications Center Supervisor indicated that CMDP has begun working towards obtaining EMD certifications and the associated protocols, and hopes to have these in place within the next year.

According to the *EMD Program Implementation and Administration Manager's Guide* (United States Department of Health and Human Services, 1995), EMD training and certification provides dispatchers with medically sound and clinically based protocols to consistently identify the level of medical need, identify situations that require pre-arrival instructions, gather information that should be relayed to responding personnel, and gather scene safety information. This information, combined with age and history-related factors, enables dispatchers to determine the correct level of assistance required, the urgency required in responding to the scene, and whether the case warrants a solitary or multiple response. Furthermore, the *National*

EMD Certification Course (National Communications Institute, 2001) indicates the National Standard Curriculum Course is a 24 hour minimum course designed to train emergency coordinators to effectively direct and manage medical resources in an appropriate manner. The course is organized into four modules which cover the following topics: basic emergency medical dispatch concepts; call receiving, response, and pre-arrival instructions; EMD protocols structure and application; and written and practical examinations.

Fire Department

Background

This section of the performance audit focuses on the City of Mansfield's (the City) Fire Department (CMFD or the Department). The objective is to assess CMFD's practices in comparison to leading or recommended practices, industry standards, and selected peer cities.²⁶ Sources of leading or recommended practices and industry standards include the National Fire Protection Association (NFPA).

As a part of the performance audit of CMFD, salary levels for assistant chiefs and captains were reviewed. This review did not yield a recommendation.

Organization and Staffing

CMFD's stated mission is "to provide professional, high quality fire, emergency medical and specialty services to the community with pride and dedication, resulting in the saving of life, property and the environment." To accomplish this mission, CMFD employs a total of 95 full-time equivalent (FTE) employees. **Table 3-1** shows the classification of these employees by position for 2010.

Table 3-1: CMFD Staffing by Position (2010)

Position	FTEs
Fire Chief	1
Assistant Chief	3
Captain	18
Captain - Fire Prevention Office	1
Firefighter	68
Firefighter - Fire Prevention Office	2
Mechanic	1
Administrative Assistant	1
Total Fire Department Staffing	95

Source: CMFD 2010 staffing.

The Fire Chief and assistant chiefs are responsible for administering day-to-day operations of

²⁶ See the executive summary for a list of peer cities and an explanation of the peer selection methodology. The "peer average" consists of current data from three peer cities unless otherwise noted, while the "prior audit average" consist of data collected from past performance audits. The number of cities comprising the prior audit average is reflected in the corresponding assessments.

CMFD. In addition, the Fire Chief is responsible for developing Department orders, rules, operational guidelines, and the budget. Captains and firefighters are responsible for hands-on provision of fire and emergency medical services. Fire prevention officers are responsible for conducting fire inspections. Finally, the administrative assistant and mechanic are responsible for supporting the operations of CMFD. See **3.2** for further analysis of CMFD staffing and workload measures.

Collective Bargaining

The majority of the Fire Department's employees, all firefighters and captains, are represented by the International Association of Firefighters (IAFF), Local #266. The bargaining agreement is in place through November 30, 2011.²⁷ See **3.1** for a review of provisions within the IAFF negotiated agreement. The Fire Chief, assistant chiefs, and administrative assistant are not part of a collective bargaining unit.

²⁷ During the course of this performance audit, the City negotiated a new two-year collective bargaining agreement with the International Association of Firefighters.

Recommendations

3.1 Negotiate to eliminate minimum manning requirements; reduce severance payouts, sick leave accrual rates, and the number of paid holidays; and pay out accrued sick leave only at retirement.

The City should negotiate to eliminate the minimum manning provisions. Doing so will help improve its ability to manage staffing and overtime costs. The City should also negotiate to reduce the number of paid holidays, sick leave accrual rates and sick days paid at retirement to a level more comparable to the peers or ORC minimum requirements. Regarding severance pay, the City should negotiate a cap on payment and consider lowering the rate that drives the severance payouts. Additionally, the City should negotiate to restrict sick leave payouts to staff who are retiring, rather than to anyone who leaves employment after 8 years of service.

The City's CBA with the IAFF was reviewed during this performance audit. The following provisions were identified as being more generous than the relevant benchmarks:

- **Minimum Staffing:** The IAFF CBA states that the "...minimum manning level for the Division of Fire shall be 21 firefighting employees on duty each day manning firefighting apparatus for as long as the City of Mansfield has a 0.5 percent safety levy generating income for police and fire." The IAFF CBA goes on to state that "as long as the City of Mansfield has a 0.5 percent safety levy generating income for police and fire, the City agrees not to reduce the Division of Fire's total number of filled fire suppression positions below 88." The IAFF agreement also states that "...in the absence of an Assistant Chief for more than 4 consecutive hours, a Captain shall be moved up to Acting Assistant Chief. The Acting Assistant Chief position shall not count towards minimum manning. If the subsequent move causes manning to drop below the minimum, overtime personnel shall be called to replace them." Likewise, the IAFF agreement states that "personnel detailed to and engaged for service at mutual aid calls or detailed to perform department business that exceeds the timeframe of a normal emergency response and causes manning to drop below the minimum shall require call-in overtime personnel for replacement." Finally, the IAFF CBA states that "...every newly hired employee shall be required to successfully complete a probationary period. The probationary period shall begin on the first day for which an employee receives compensation from the City and shall continue for a period of 1 year for employees hired with firefighter and EMT certifications, and until 1 year after the successful completion of the firefighter and EMT certifications for employees hired without such certification." However, "no probationary employee shall be considered for minimum manning purposes until between 4 and 6 months after obtaining the abovementioned certifications."

Collectively, these provisions contribute to the City's higher firefighter staffing levels (see 3.2) and overtime costs (see 3.3).

In contrast to CMFD, the cities of Elyria and Warren do not have minimum manning provisions in their firefighter CBAs. Furthermore, Warren's CBA specifically states that it is management's right to "...determine the size and composition of the workforce, and the City's organization structure, including the right to relieve employees from duty due to lack of work or lack of funds." Warren's CBA also states that "if the Fire Chief is unavailable for duty during his/her regular working days, the Assistant Chief on duty shall be paid an additional amount equal to 50 percent of the difference between the Assistant Chief's regular hourly rate of pay and the Fire Chief's regular hourly rate of pay for all hours the Fire Chief is off. The Assistant Chief shall still be considered part of the turn; however, the House Captain will receive out-of-rank pay for assisting the Assistant Chief in his responsibilities for the same number of hours. This will be the only out-of-rank adjustment permitted as a result of the Fire Chief's absence." Newark's CBA states that "...at least 19 bargaining unit members shall be assigned to platoon duty and either maintain a minimum of 3 engines or ladders at all times with a staffing level of 4 members, or a minimum of 4 engines or ladders at all times with a staffing level of 3 members." However, Newark's CBA also states that "this provision shall not be construed as prohibiting the employer from laying-off employees due to lack of work or lack of funds, or from temporarily revising the manning levels due to excessive absenteeism, or financial limitations."

- **Sick Leave Accruals:** Under the IAFF CBA provisions, CMFD's firefighters accrue approximately 192 hours of sick leave per year. In contrast, Elyria's CBA allows firefighters to accrue 120 hours of sick leave per year, while Warren allows firefighters with at least five years of service to accrue approximately 144 hours annually. Warren firefighters with less than five years of service accrue 109 hours annually. Newark uses a sick leave accrual schedule similar to CMFD. Finally, CMFD and each of the peers allow employees to accumulate unused sick leave without limit.
- **Severance Pay:** In addition to high sick leave accruals, the IAFF CBA includes generous severance pay provisions. Specifically, the IAFF CBA states that "...upon full retirement, a firefighter's accrued sick leave balance shall be computed on the basis of the firefighter's annual salary, divided by 2,496 hours for an employee working a regular work week of 48 hours and by 2,080 hours for an employee working a regular work week of 40 hours. The number of compensated hours shall be 1 hour for every 2 hours of accrued, unused sick leave." Because of the sick leave accrual and severance pay provisions, the City does not have a maximum liability for severance payouts. By comparison, ORC § 124.39 states that employees with 10 or more years of service may receive payment at 25 percent of the unused sick leave balance not to exceed thirty days at the time of retirement. Additionally, Elyria pays for 33 to 50 percent of accumulated

sick leave and limits its severance payout to 105 days, or 840 hours, based on a provision that defines a sick day as an 8 hour period.²⁸ Newark pays for 50 percent of accumulated sick leave and limits its maximum severance payment to \$12,000 for employees after completing 10 years of continuous service with the city and \$17,500 for employees after completing 25 years of continuous service with the city. Lastly, Warren pays for each hour of unused sick leave, but limits its severance payout to 960 hours.²⁹

The City's severance pay provisions result in higher operating costs and future liabilities. For example, if a firefighter retires with 30 years of service and 144 sick days accrued (3,456 hours), the City's severance liability would be approximately \$34,400. The liability using the ORC minimums would be approximately \$4,800 when assuming an 8 hour day or \$14,300 when assuming a 24 hour day. The average liability for Elyria, Newark and Warren would be \$17,500.

Aside from sick leave payouts at retirement, the IAFF CBA also provides sick leave payouts to staff who resign after 8 years of service. The payout percentages range from 15 to 33 percent, with no maximum liability. Elyria provides similar sick leave payouts to staff that retire or leave employment for any reason after 10 years of service. However, the CBAs at Newark and Warren restrict sick leave payouts to staff who retire.

- **Holidays:** The IAFF CBA indicates that firefighters receive 11 paid holidays per year for the maximum number of hours worked in an employee's daily schedule. For example, employees working a 40 hour workweek shall receive a maximum of 8 or 10 hours pay per holiday, and those employees working a 48 hour workweek shall receive 24 hours of pay per holiday. Under this provision, CMFD firefighters receive 264 hours of holiday time per year. CMFD firefighters do not receive any time for personal leave. In contrast, the City of Elyria provides its firefighters with 8 days as holiday time and 1 day as personal time, or 216 total hours. Likewise, the City of Newark provides its firefighters with a bank of 200 hours to use for scheduled holidays and/or personal time during the year. Finally, the City of Warren provides its firefighters with 7 days per year as holiday time and 2 days as personal time, or 216 total hours. Providing employees with more holiday hours negatively impacts productivity and can contribute to high overtime costs (see **3.3**) due to the minimum manning provisions noted above.

It should be noted that prior to implementing this CBA, the City and the IAFF had difficulty reaching an agreement on certain contract provisions. Specifically, the City proposed modifications to the hours of duty and overtime calculations, elimination of the language concerning minimum manning, and a reduction in wage increases during the life of the contract.

²⁸ These maximum payouts apply to employees hired on or after July 1, 1988. Elyria does not have a maximum payout for employees hired before this date.

²⁹ The severance payouts at Warren are lower than 960 hours for staff who retire with less than 20 years of service with the city.

On December 3, 2008 the issues were submitted to an impartial fact finder appointed by the State Employment Relations Board. In a written report, the fact finder recommended that the current CBA language concerning hours of duty, overtime and minimum manning be retained. The fact finder also recommended the City provide a 2 percent wage increase in 2009 with wage re-openers in 2010 and 2011.

Financial Implication: Two firefighters retire during 2010 with a total severance payout cost of approximately \$79,000 (\$39,500 per employee). If the City adopted maximum sick leave payout provisions similar to the peer average (\$17,500), the savings would have been approximately \$44,000, or \$22,000 per employee. Savings related to elimination of the minimum manning provisions and reducing holiday hours to the peer average are assumed to be captured in the overtime savings (see 3.3).

3.2 Reduce Fire Department staffing levels by at least 5.0 FTEs.

Once Mansfield negotiates to eliminate the minimum manning provision (see 3.1), it should reduce CMFD staffing levels by at least 5.0 FTEs. As the City explores options for reducing staffing levels, it should ensure the Department's response times (see 2.5 in the police and communications center section) and its ability to provide services consistent with industry standards would not be adversely impacted. In addition to these factors, the City should take into account its current and projected financial status when determining the extent of staffing reductions. For instance, comparisons to the peer average suggest that CMFD could operate with 12.0 fewer FTEs.

As shown in **Table 3-1**, CMFD had a total of 95.0 FTEs in 2010. Of this total, 89.0 FTEs reflect fire / EMS staff, including firefighters and captains.

Table 3-2 compares CMFD operating statistics and demographic data to the peer and prior audit averages.

Table 3-2: Operating and Demographic Data

	Mansfield	Peer Average	Prior Audit Average ¹
Population	49,579	48,668	32,488
Total Calls for Fire/EMS	7,685	N/A ²	4,243
Total FTE Fire/EMS Staff	89.0	78.0 ³	52.0
ISO Rating	4.0	3.7	3.8
Minimum Shift Staffing	21.0	13.7	14.4
Avg. Fire Response Time	5:33 ⁴	5:35 ⁵	4:16
Avg. EMS response Time	5:33 ⁴	5:44 ⁵	4:03
Fire/EMS Staff per 1,000 Citizens	1.80	1.54 ³	1.68
Calls per FTE Fire/EMS Staff	86.35	N/A ³	84.34

Source: CMFD, peers, ISO, and U.S. Census Bureau

¹ The prior audit average is comprised of 16 to 21 cities depending upon the dataset, with the exception of EMS response times (10) and ISO rating (12).

² Because Warren does not provide EMS transport, Newark provided data that could double count calls, and Elyria made significant use of private ambulance services during 2009, the calls for service from these three peers were not used in the comparison.

³ The peer average excludes Warren because it does not provide EMS transport. Although Elyria does not transport, it responds to life threatening emergencies. In addition, Elyria's Fire Chief indicated that the city has sufficiently trained staff (i.e., EMTs and EMT - Paramedics) that would allow it to provide transport without the need for additional staffing. The Elyria Fire Chief is proposing that the city provide transport services. As a result, Elyria is included in the peer average.

⁴ Mansfield's response times were of undetermined reliability (see 2.5 in the **police and communications center section**).

⁵ The peer average excludes Warren because it was unable to provide comparative statistics for run times.

As shown in **Table 3-2**, CMFD employs 17 percent more FTEs per 1,000 citizens than the average of Elyria and Newark, and 7 percent more than the prior audit average. The higher staffing levels are impacted by the significantly higher minimum manning requirements of 21 at CMFD, compared to approximately 14 for both the peer and prior audit averages. In addition, CMFD's IAFF negotiated agreement requires the City to maintain at least 88 employees in fire suppression positions. See **3.1** for a more detailed comparison of the minimum manning requirements. Although **Table 3-2** shows that CMFD responds to slightly more calls for service per FTE than the prior audit average, the calls for service per FTE for CMFD and the prior audit average equate to each employee responding to less than one call per day. Finally, the City has a similar ISO rating as the peer and prior audit averages, indicating that the level of fire protection is generally consistent across these entities.

The minimum manning clause in CMFD's IAFF negotiated agreement hinders the City's ability to adjust staffing levels. It also necessitates the provision of overtime to ensure a minimum of 21 firefighters for each shift (see **3.3**). Eliminating 5.0 FTEs would bring CMFD's staffing levels per 1,000 citizens more in line with the prior audit average, while eliminating 12.0 FTEs would make CMFD's staffing levels per 1,000 citizens more comparable to the peer average. Further, even with 12.0 fewer FTEs, CMFD would respond to less than one call per day, per FTE (0.96).

As previously noted, the prior audit average also equates to responding to less than one call per day, per FTE.

Financial Implication: Eliminating 5.0 FTE firefighters would save approximately \$395,000 for 2011, while eliminating 12.0 FTE firefighters would save approximately \$1.0 million. These estimates are based on staff with the fewest years of experience.

3.3 Reduce Fire Department overtime.

The City should reduce overtime costs by negotiating to eliminate minimum manning requirements (see 3.1). In addition, the City should take steps to reduce sick leave use by CMFD (see 3.1 and the strategic and financial management section) to further reduce overtime expenditures.

CMFD provides overtime to ensure that minimum shift manning (see 3.1) is maintained. In 2009, the City temporarily discontinued the provision of overtime to ensure compliance with minimum shift manning, which was part of a larger budgetary strategy to address its financial condition that also included a number of staff layoffs. However, the IAFF bargaining unit filed for an injunction against the City and the matter was sent to SERB for arbitration. The arbitration settlement required the City to rehire the laid off employees paying back pay and overtime, and pay the cost of foregone overtime for other CMFD employees over the timeframe that minimum shift manning was not enforced.

Table 3-3 shows CMFD's overtime trend for 2008 to 2011.

Table 3-3: CMFD Overtime Expenditures Trend

	2008	2009	YTD 2010 ¹	Projected 2011 ²
Overtime Expenditure	\$881,251	\$531,681	\$558,497	\$805,000
Arbitration Overtime	N/A	\$132,974	N/A	N/A
Total Overtime	\$881,251	\$664,655	\$558,497	\$805,000

Source: CMFD

¹ Year-to-date (YTD) 2010 is an estimated total based on actual activity as of December 2, 2010 and reported by the Fire Chief.

² The Fire Chief's projected 2011 overtime does not include any estimated overtime associated with backfilling for sick leave.

As shown in **Table 3-3**, CMFD's total overtime costs decreased from 2008 through projected 2010. However, the Fire Chief projects 2011 overtime expenditures to increase due to retirements and the need to incur additional overtime to ensure minimum shift staffing. The City has been able to work with the IAFF to employ strategies to partially cope with the cost of overtime. For example, the City and the IAFF agreed that CMFD would not be required to backfill positions, using overtime, when the assistant chief is off. The Service-Safety Director estimates that this practice saves approximately \$145,000 in overtime expenditures per year.

Table 3-4 compares CMFD's 2009 and projected 2010 overtime the peer average for 2009.

Table 3-4: Overtime Expenditures Comparison

	Mansfield 2009 ¹	Mansfield 2010 ²	Peer Average
Overtime per FTE	\$6,996.37	\$5,878.92	\$3,564.79
Overtime per Citizen	\$13.41	\$11.26	\$5.92

Source: CMFD, U.S. Census and peers

¹ Mansfield 2009 overtime represents the actual incurred overtime cost plus total overtime awarded by arbitration settlement for the City's breach of contract.

² Mansfield 2010 is an estimated total based on the actual activity as of December 2, 2010 and reported by the Fire Chief.

As shown in **Table 3-4**, CMFD's overtime expenditures per FTE and per citizen decreased from 2009 to 2010. However, both 2009 and 2010 expenditures per FTE and per citizen were much higher than the respective peer averages. Specifically, CMFD's 2009 overtime was 96.3 percent higher than the peer average per FTE and 126.3 percent higher than the peer average per citizen. CMFD's estimated 2010 overtime was 64.9 percent higher than the peer average per FTE and 90.2 percent higher than the peer average per citizen. Likewise, CMFD's overtime expenditures per FTE and per citizen were higher than each of the three peers' respective ratios. The higher overtime costs are due primarily to CMFD's minimum manning requirements that are approximately 50 percent higher than the peer and prior audit averages (see **3.1** and **Table 3-2**).

Financial Implication: If the City reduced overtime expenditures per FTE to the peer average, it would save approximately \$220,000 annually. This is based on the projected 2010 overtime costs per FTE to provide a conservative estimate of savings. If the City eliminated 5.0 FTEs (see **3.1**), it would reduce the overtime savings to approximately \$208,000 annually.

3.4 Close one fire station.

The City should close one fire station. In doing so, it should determine which station is most appropriate based on relevant factors, such as services provided, coverage area, population served and response times. Additionally, the City should ensure that closing a fire station would not adversely affect response times (see 2.5 in the police and communications center section which addresses response times).

The City has five fire stations in operation for 2010. Three fire stations have both fire and EMS vehicles while the remaining two fire stations have only fire vehicles. CMFD has historically operated with a total of five fire stations. In 2008, the City opened a fire station to replace an outdated facility. The outdated facility has been mothballed since that time, so the number of active stations has remained at five.

Table 3-5 compares Mansfield Fire Department's station operating statistics to the peer and prior audit averages.

Table 3-5: Station Operating Comparison

	Mansfield	Peer Average	Prior Audit Average ¹
Population	49,579	48,668	32,488
Square Miles	26.25 ²	18.61	14.74
Stations	5.0	3.3	2.8
Total FTE Fire/EMS Staff	89.0	78.0 ³	52.0
Citizens per Station	9,916	14,911	12,773
Square Miles per Station	5.25	5.65	4.94
Citizens per Square Mile, per Station	331.52	807.64	1,223
FTE Fire/EMS Staff per Station	17.80	22.58 ³	21.65

¹ The prior audit average is comprised of 17 to 21 cities depending upon the dataset.

² Square miles have been adjusted to exclude the Air National Guard (ANG) service area of 3.66 square miles.

³ The peer average excludes Warren because it does not provide EMS transport. The City of Elyria, although it does not transport, is included because it provides first responder services to all EMS calls. In addition, Elyria's Fire Chief indicated that the city has sufficiently trained staff (i.e., EMTs and EMT - Paramedics) that would allow it to provide transport without the need for additional staffing. The Elyria Fire Chief is proposing that the city provide transport services.

Table 3-5 shows the Department averages fewer citizens; square miles; citizens per square mile, per station; and FTEs per station than the peer and prior audit averages, with the exception of the prior audit average square miles per station. If the City closed one fire station, its citizens per station would increase to 12,395, which would still be lower than the peer and prior audit averages. While the number of square miles per station would increase to 6.56 and exceed the peer and prior audit averages, the number of citizens per square mile, per station (472) would still be well below the peer and prior audit averages. Lastly, the number of FTEs per station (22.25) would be generally similar to the peer and prior audit averages. However, this ratio would decline if the City implemented the recommendation to reduce staffing levels (see **3.2**).

CMFD has continued to operate five fire stations despite a trend of marginal population declines. Three of the five stations provide fire and EMS services, while the remaining two provide only fire services. For example, the City's estimated population decreased from 51,796 in 2000 to 49,579 in 2008. Finally, according to the Service-Safety Director, the City could close one fire station without affecting response times.

Financial Implication: If the City closed one fire station, it could save approximately \$16,000 per year in utilities cost. This is based on the average of actual expenses in 2009 and 2010, and the budget for 2011. However, the City will likely experience additional savings which are not readily quantifiable, such as in maintenance, repair, replacement and insurance costs.

3.5 Negotiate to reduce firefighter compensation.

Mansfield should negotiate to bring firefighter compensation in line with the peer average. This can be accomplished through several strategies, including limiting base wage

increases, altering step schedules, and reducing longevity pay.

Historically, CMFD employees received step and longevity increases as well as annual negotiated wage increases (NWIs). In 2008 and 2009, CMFD employees were provided a 2.0 percent NWI. However, in 2010, the City did not provide a NWI for CMFD employees, though employees still received step and longevity increases.

Table 3-6 compares CMFD average firefighter compensation from probation to year 10, from year 11 to year 20, from year 21 to year 30, and total lifetime compensation to the peer average.

Table 3-6: Firefighter Earnings Comparison (2010)

Classification	Mansfield	Elyria	Newark	Warren	Peer Average	% Difference
Years Probation-10	\$48,533	\$51,637	\$43,993	\$48,635	\$48,088	0.9%
Years 11-20	\$53,461	\$57,267	\$46,530	\$51,468	\$51,755	3.3%
Years 21-30	\$54,461	\$59,498	\$46,804	\$51,468	\$52,590	3.6%
Firefighter - Lifetime	\$1,613,094	\$1,735,650	\$1,417,253	\$1,564,343	\$1,572,415	2.6%

Source: CMFD and peers

Note 1: Pension benefit pick up and longevity have been included as compensation where provided.

Note 2: Where applicable, the compensation reflects an average of separate firefighter classifications. For example, Mansfield reflects the average of the following classifications: Non-EMT; EMT - Basic; EMT - Intermediate; and EMT - Paramedic.

As shown in **Table 3-6**, CMFD firefighters earn an average rate of compensation that is lower than Elyria at all levels of comparison; however, compensation is higher than both Newark and Warren, with the exception of Warren from probation through year 10 which was marginally higher than that of CMFD. As a result, CMFD's average rate of compensation for firefighters is higher than the peer average for each level of comparison and is approximately \$41,000 higher than the peer average lifetime compensation, on a per firefighter basis.

Financial Implication: Based on current staffing levels,³⁰ the City would save approximately \$91,000 per year by reducing the lifetime compensation to the peer average. However, if the City reduces staffing levels by 5.0 firefighter FTEs (see **3.2**), it would reduce the compensation savings to approximately \$84,000.

3.6 Develop formal mutual aid agreements consistent with leading practices.

The City should develop written mutual aid agreements with neighboring entities that contain pertinent elements, such as those recommended by NFPA. The City should also adopt a regular cycle for reviewing and updating the mutual aid agreements to ensure they reflect current operating conditions. Taking these actions will help ensure that all issues of liability have been resolved in advance and appropriate steps have been taken to allow for

³⁰This excludes the one retirement which occurred during the course of this performance audit.

an integrated response when an emergency event occurs.

The City has an ordinance authorizing the Fire Department to engage in mutual aid with any other fire department within the State. This ordinance is consistent with Ohio Revised Code (ORC) 9.60(D)(1) which provides that "Any firefighting agency... may provide fire protection or emergency medical services, as appropriate, to any governmental entity in this state or another jurisdiction, without a contract to provide fire protection or emergency medical services, upon the approval of the governing board of the agency, company, or organization and upon authorization by an officer or employee of the agency, company, or organization designated by that individual's title, office, or position pursuant to the authorization of the governing board of the agency, company, or organization." In addition, the City has an established relationship with the Air National Guard (ANG) Fire Department, including the provision of fire protection services. Furthermore, during the course of the audit, the City drafted a joint use agreement which formalizes important aspects of the fire protection services, including responsibilities, interaction, liability, and financial reimbursement. However, the City does not have formal aid agreements with other entities.

Fire Services: A Best Practices Review (State of Minnesota, Office of the Legislative Auditor (MOLA), 1999) indicates that to be effective, mutual aid arrangements should be written prior to the occurrence of major emergencies so it is clear who assumes incident command, which department is liable for injuries that may occur, and what staffing and equipment will be available to respond. Furthermore, the National Fire Protection Association's (NFPA) 1710, *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments* (National Fire Protection Association, 2009) states that mutual aid agreements should be in writing and address the following issues:

- Liability for injuries and deaths;
- Disability retirements;
- Cost of service;
- Authorization to respond;
- Staffing and equipment, including the resources to be made available; and
- Designation of the incident commander.

The City's general reliance on a mutual aid authorization ordinance without specific detail is consistent with State law. However, the lack of written aid agreements could result in liability issues for the City and potentially inefficient responses when emergency events occurs.

Municipal Court

Background

This section of the performance audit focuses on the City of Mansfield’s (the City) Municipal Court (MMC or the Court). The objective is to assess MMC’s operations using leading or recommended practices, industry benchmarks, and selected peer courts.³¹ Sources of leading or recommended best practices and industry standards include the National Center for State Courts (NCSC) and Government Finance Officers Association (GFOA).

As a part of the performance audit of MMC, salary levels, collections enforcement, Clerk of Court staffing levels (see **Table 4-1**), and overtime were reviewed. These reviews did not yield recommendations. In addition, a review of the potential for consolidating court operations resulted in an issue for further study (see the **executive summary**).

Organization and Staffing

In addition to the City, MMC has jurisdiction within Madison, Springfield, Sandusky, Franklin, Weller, Mifflin, Troy, Washington, Monroe, Perry, Jefferson, and Worthington Townships, and parts of Butler Township, in Richland County. The Court has subject matter jurisdiction over criminal cases (misdemeanor cases, traffic cases, and limited felony cases), civil cases under \$15,000, and small claims cases under \$3,000. The Ohio Supreme Court estimates the population served by MMC is approximately 109,500 citizens.

MMC consists of two divisions: Judicial Division and the Clerk of Court Division. Two elected judges who serve six-year terms and an appointed magistrate head the Judicial Division. The judges are responsible for interpreting the law, ensuring the administration of justice, and overseeing the operations of MMC. The judges are also responsible for managing the personnel and financial matters of the Court, including hiring, terminating, and promoting employees; establishing compensation levels; developing budgets; and establishing court costs and fee schedules. The Judicial Division employs 29.5 full-time equivalent employees (FTEs), comprising the following: judges (2.0 FTEs), magistrate (1.0 FTE), court administrator (1.0 FTE), clerical staff (3.0 FTEs), bailiffs (4.6 FTEs), case assignment staff (2.0 FTE), probation officers (11.8 FTEs), part-time security officers (2.1 FTEs), special projects coordinator (1.0

³¹ See the **executive summary** for a list of peer courts and an explanation of the peer selection methodology. The “peer average” consists of current data from three peer courts unless otherwise noted, while the “prior audit average” consist of data collected from past performance audits. The number of courts comprising the prior audit average is reflected in the corresponding assessments.

FTE), and court systems coordinator (1.0 FTE).

The Clerk of Court Division is headed by an elected Clerk of Court and is responsible for processing charges, maintaining case files, and handling payments of fines and fees. In addition, the Clerk of Court Division manages the Court's certified mail process and prepares a variety of reports for the Ohio Supreme Court and other parties. The Clerk of Court Division employs 19.0 FTEs, comprising an elected Clerk of Court (1.0 FTE), chief deputy clerk (1.0 FTE) and deputy clerks (17.0 FTEs).

Key Operating Statistics

Table 4-1 presents key operating data for MMC, the peers and the prior audit average.

Table 4-1: Peer and Prior Audit Comparison of Operating Indicators

	Mansfield 2009	Peer Average 2009	Prior Audit Average ¹
Population and Caseload			
Population Served	109,524	114,727	99,913
Total Criminal Cases	25,834	17,224	19,102
Total Civil Cases	7,027	5,416	5,407
Total All Cases	32,861	22,641	24,509
Collection Ratios			
Collections per Termination	\$206	\$195 ²	\$154
Staffing Ratios			
Judge staff per 10,000 citizens	2.7 ³	1.6	1.8
Clerk Staff per 10,000 citizens	1.7	1.5	1.5
Total Cases per Judge FTE	1,113 ³	1,259	1,572
Total Cases per Clerk FTE	1,730	1,304	1,853
Disposition/Case Closure Rates			
Total Disposition Rate	76.6%	88.9%	86.9%
Criminal Disposition Rate	81.7%	93.0%	91.5%
Civil Disposition Rate	57.8%	76.0%	70.6%

Source: MMC, Ohio Supreme Court, and AOS peer data

Note: Projecting MMC's case data for 2010 based on actual activity from January through September would not adversely impact the above comparisons. In addition, disposition rates reflect new and pending cases.

¹The prior audit average consists of 12 courts, with the exception of collections per termination (7), total and criminal disposition rates (10), and civil disposition rate (11).

²This excludes Warren due to unavailability of data for total collections.

³The higher judge staff per 10,000 citizens and the lower caseload per judge FTE are due to the specialty court dockets (see **4.1**).

A summary analysis of **Table 4-1** includes the following:

- **Collections:** **Table 4-1** shows that MMC collects more per termination than the peer and prior audit averages. In fact, MMC collects more per termination than each peer included in the peer and prior audit averages. This can be attributed to aggressive enforcement of collections. Specifically, the Court requires payment of court costs and fines within 30 or 60 days. If payment is not received, MMC holds “show cause” hearings, which are scheduled every Monday. MMC will issue a bench warrant for arrest if the individual does not appear at this hearing. If the required payments are not made after this hearing, the Court forwards the case to collection agencies. Because the fees charged by the collection agencies are ultimately paid by the individual, the Court does not incur an additional cost for using the collection agencies.
- **Staffing:** **Table 4-1** shows that the judges employ significantly more staff per 10,000 citizens than the peer and prior audit averages. The higher staffing levels are also evident based on caseloads. Specifically, MMC’s judicial staff handles fewer cases per FTE than both the peer and prior audit averages. The higher judicial staffing levels are due to the use of specialty court dockets that require the employment of more probation officers when compared to the peer average³² (see **4.1**). The Clerk of Court employs more FTEs per 10,000 citizens than the peer and prior audit averages. When compared to the peer average, this is explained in part by MMC’s higher caseloads. Specifically, MMC’s Clerk of Courts Division handles 32.7 percent more cases per FTE than the peer average. Although MMC’s Clerk of Courts Division handles 6.6 percent fewer cases per FTE when compared to the prior audit average, it handles 9.6 percent more cases per FTE than the midpoint of the peer and prior audit averages (1,579).
- **Disposition Rates:** **Table 4-1** shows that MMC’s total disposition rate was 10.3 percentage points below the prior audit average and 12.3 percentage points below the peer average in 2009. Developing a policy that governs and limits the use of continuances, and operating a paperless case management system could help the Court increase its disposition rate (see **4.2**). Furthermore, the judges indicated that disposition rates are not fully accurate as reported to the Ohio Supreme Court because the system does not record all case terminations (see **4.2**).

³² The data used to compile the prior audit average was not aggregated to separately report the respective number of probation officers.

Recommendations

4.1 Evaluate outcomes of the specialty court dockets.

MMC should regularly evaluate and benchmark the outcomes of individuals placed on probation, such as recidivism, crime rates, and treatment costs relative to other forms of correction (e.g., prison). This would allow MMC to determine whether the specialty dockets are successful and justify the higher probation officer staffing levels. Doing so would also help the Court determine whether alternative strategies should be implemented to improve outcomes. If the specialty dockets ultimately prove to be ineffective, MMC should review the probation officer staffing levels for reductions.

MMC maintains specialty probation services associated with each of its four specialty court dockets in addition to the general court docket. The four specialty court dockets include the mental health court, veteran's court, drug treatment court, and domestic violence court. During the case, someone, such as the arresting officer, a family member, the offender, or the offender's attorney, notifies the Court of the offender's eligibility for the specialty courts. The judges review the offender's history to determine an offender's suitability for assignment to a specialty court. If the offender is eligible, the judges send the offender to meet with the probation officer assigned to that specialty docket. The probation officer then makes a recommendation to the judge. In general, MMC's specialty court dockets are intended to sentence offenders to community-based corrections, rather than other forms of correction (e.g., prison).

By comparison, two peers have only one specialty court. Licking County Municipal Court³³ has a mental health court while Warren Municipal Court maintains a domestic violence court. Conversely, Elyria Municipal Court does not have any specialty courts and instead, sentences all offenders to probation through the general court. MMC employs more probation officers than the peer courts due to the specialty court dockets. For instance, based on total population, total caseload, total criminal cases, and new felonies and misdemeanors, MMC employs approximately eight more probation officer FTEs than the peer average, which equates to additional costs of approximately \$401,000 in annual salaries and benefits.³⁴ Furthermore, according to the Court Administrator, a probation officer is typically assigned 40-50 cases by the specialty courts, as opposed to 130 cases in the general court.

While MMC employs significantly more probation officers due to the specialty court dockets, it does not formally evaluate the outcomes of the specialized services. For instance, the Court

³³ Since the city of Newark does not operate a municipal court, data from the Licking County Municipal Court was used in this performance audit.

³⁴ The costs are based on the probation officers with the lowest total compensation. In addition, the Court Administrator indicated that funding from the Special Projects Fund helps MMC maintain the four specialty dockets. Further, MMC's Probation Services Fund generated approximately \$165,000 in revenues in 2009.

Administrator indicated that MMC does not monitor or compare recidivism rates for offenders sentenced to probation. Consequently, the Court is unable to determine whether the specialty court dockets are achieving outcomes sufficient to warrant the additional staff resources.

According to *Recommended Budget Practices: A Framework for Improved State and Local Government Budgeting* (Government Finance Officers Association (GFOA), 1999), governments should develop and utilize performance measures for functions, programs, and/or activities for assessing how efficiently and effectively functions, programs, and activities are provided and for determining whether program goals are being met. GFOA goes on to state that performance measures should be linked to specific program goals and objectives, and should be valid, reliable, and verifiable. Further, measures should be reported in periodic reviews of functions and programs and should be integral to resource allocation decisions. GFOA also notes that there are several types of performance measures: inputs (resources), outputs, efficiency, and effectiveness (outcomes). Each of these types of measures serves a purpose, although only the measures of efficiency and effectiveness truly report on performance. It is important that measures be chosen to “measure the right things” – that is, they must be relevant to the goals of a program.

Principles of Community Justice (Center for Court Innovation, 2010) indicates that at a community court, the active collection and analysis of data – measuring outcomes and process, costs and benefits – are crucial tools for evaluating the effectiveness of operations and encouraging continuous improvement. Public dissemination of community court research can be a valuable symbol of public accountability, offering tangible evidence to local residents that the justice system is attempting to address their concerns and solve public safety problems. This publication also notes that in attempting to tailor sentences to each defendant and in emphasizing alternatives to incarceration, community courts seek to help reduce recidivism, improve community safety, and enhance confidence in justice.

4.2 Improve technology, ensure accurate termination data, and review continuance policy.

MMC should evaluate its case management software and contact the vendor to determine the software’s full functionality. The evaluation should determine whether improvements can be made in a cost-effective manner to address limitations such as reporting accounts receivable and operating a paperless case management system. In order to make such a determination, MMC should review the costs and benefits of other software, and obtain relevant information from industry sources (e.g., National Center of State Courts). Additionally, the Judges and Clerk of Court should work toward the goal of properly funding technology needs that would help increase MMC’s level of efficiency and effectiveness. Furthermore, MMC should review the continuation policy in an effort to address the inconsistencies between civil and criminal cases, and to include more details and stringent guidelines that strive to limit the use of continuances. Lastly, MMC should take the appropriate measures to ensure that all case terminations are being accurately

captured and reported to the Ohio Supreme Court.

The Court's current software lacks the ability to monitor and generate reports related to accounts receivable, and to fully process case activity electronically. As a result of the lack of reporting for accounts receivable, MMC does not know the total outstanding balance owed for unpaid fines and fees and cannot determine its collection rates to ensure it is maximizing and enforcing collections. In addition, the absence of a fully automated case management process and frequent use of continuances contributes to delays in processing cases in a timely manner. For instance, **Table 4-1** shows MMC's total disposition rate was 10.3 percentage points below the prior audit average and 12.3 percentage points below the peer average in 2009. In addition, the Ohio Supreme Court reported 255 cases pending beyond time guidelines at MMC in 2009, compared to zero at Elyria and only 6 cases at Licking County. According to the Court Administrator, attorney requests for continuances are the primary cause for delays in terminating cases and case management reporting is a challenge with the current software. Furthermore, the judges indicated that disposition rates are not fully accurate as reported to the Ohio Supreme Court because the system does not record all case terminations.

MMC's Local Rules contain provisions that address continuances, including the requirement to show good cause. However, the provisions do not address frequency and other details (e.g., defining good cause and defining situations that will not allow for a continuance) that may help limit the requests for, and use of, continuances. In addition, while the Local Rules indicate that continuances must be filed at least 14 days prior to the scheduled court date, they allow continuances to be filed after 14 days for hearings if good cause is shown and permit continuances to be filed for trial dates "at the earliest possible time that parties are aware of a conflict." Furthermore, the Local Rules imply that the 14-day provisions apply only to civil cases, stating that "this matter having come before the Court this 26th day of May 2010, due to the excessive caseload in civil matters, the Court hereby adopts the following rules..." For criminal cases, the Local Rules state that "no request for continuance will be considered if made less than five (5) working days before trial except for extreme causes."

Historically, the Clerk of Court's Computerization Fund was used to purchase and maintain technology hardware and software through the collection of a \$10.00 fee on each case. However, since April 2009, the judges eliminated the \$10.00 fee from the Clerk of Court's Computerization Fund and increased fees for the Court's Special Projects Fund by \$10 for civil cases and \$15 for criminal cases. According to the Court Administrator, funding from the Special Projects Fund helps MMC maintain the four specialty court dockets and provide specialty probation services (see 4.2). According to the Clerk of Court, the remaining balance in the Computerization Fund is not sufficient to purchase or sustain the maintenance of a new case management software system.

The CourTools program, designed by the National Center for State Courts (NCSC), provides courts with a common set of ten indicators and methods to measure performance in a meaningful

and manageable manner. The choice and formulation of the ten CourTools measures are shaped by three interrelated criteria: fundamental court values, balanced perspective on the work of the court, and feasibility and sustainability. In order for CourTools to facilitate the measurement of what constitutes a well-performing court, performance is defined in terms of service delivery, a concept associated with the outcomes of public institutions. For courts, key services include how individuals are treated, the manner in which cases are handled, and the integrity of how a court controls its operations. These basic services are broken down into ten core measures which allow a court system to assess the level of performance, including time to disposition and trial certainty dates. For example, a court's ability to hold trials on the first date they are scheduled to be heard is closely associated with timely case disposition. Measuring trial certainty dates provides a tool to evaluate the effectiveness of calendaring and continuance practices. Furthermore, CourTools offers templates which can be used by a court to create surveys to address the core measures. The surveys are complete with specific instructions, questions, and interpretations of the data through graphs. Likewise, NCSC has published a step-by-step process to help guide the implementation of a performance measurement system through the CourTools concept and offers to provide additional assistance in the process.

Examples of continuation policies that address frequency and other details include the following:

- According to the continuation policy of the Juvenile and Domestic and Relations District Court (Bedford, Virginia), requests for continuances “shall be granted only upon establishing the existence of an emergency or other compelling exigencies... The proper and efficient operation of the Court requires that scheduling and docketing of all matters brought before the Court be carefully managed, that cases be brought to Trial at the earliest date consistent with the rights of the Parties and that cases entered on the docket be heard on the day on which they are docketed. The purpose and goal of this policy and these procedures is to ensure that cases process through the Court in a timely and efficient manner and are heard as scheduled. Granting a continuance will be the exception, not the norm.” The policy also defines good cause as being “established when the underlying eventuality constituting the basis for the request for a continuance is unforeseen, is not due to lack of preparation, is relevant, is necessary, is brought to the Court's attention in a timely manner, and does not unduly prejudice the opposing party. Counsel being retained immediately preceding a previously scheduled case, counsel having a matter scheduled in another Court that was scheduled subsequent to the matter scheduled in this Court may not be considered good cause...” Finally, the policy provides examples of situations whereby continuances will not be granted.
- The continuation policy of the Fourth Judicial District Court of Minnesota states, in part, “to ensure we achieve established performance goals and measures, the Fourth Judicial District is committed to maintaining consistent practices of case management policies and procedures... Only one continuance per case may be granted by the Administrative Clerk's Office. Any subsequent requests for continuance must be obtained from the trial

Calendar Judge or general calendars or the judge that a blocked case is assigned to.”

- The Rules of the City of Dublin (Ohio) Mayor’s Court indicate the following: “Requests for continuances on cases going to trial shall be made at least 7 calendar days prior to the Court date in order to allow the Court Clerk time to contact all parties involved via phone or mail. Any requests made less than 7 days prior to the trial date shall have the prior approval of the Mayor or Magistrate. The Court Clerk’s office is hereby granted permission to continue the case a maximum of 2 times not to exceed a total period of 2 months total without the prior approval of both the Prosecutor and the Defendant. Any further continuances are subject to the leave of the Court unless mutually agreed. All cases will strive to be completed within the Court’s guidelines for Case Management.”

The limitations of MMC’s current case management software system hinder the Court’s ability to effectively manage operations, including collections and case management. Diverting the \$10.00 fee from the Computerization Fund impedes MMC’s ability to properly address technology needs. Moreover, not maximizing the number of cases disposed each year creates delays in the case management process, including delays in collecting fines and fees.

4.3 Revise and formalize the process related to the court fines and fees schedule.

MMC should develop policies and related procedures for establishing and periodically reviewing the fine and fee schedule that accounts for relevant factors (e.g., costs and local demographic factors). Doing so will help ensure that MMC is using documented, consistent, and supported methodologies for determining its fines and fees. Additionally, based on the peer comparisons, MMC should consider increasing the fines and fees for civil complaints, small claims, evictions and replevins.

MMC does not have formal policies and procedures for establishing and periodically reviewing its schedule of fines and fees. The fines and fees were last updated in 2009, with the termination of the fee for the Computerization Fund and increase in fees for the Special Projects Fund (see 4.2). Ohio Revised Code (ORC) section 1901.26 allows each municipal court to establish a schedule of fees to be taxed as costs in any civil, criminal, or traffic action. **Table 4-2** shows a comparison of court fines and fee schedules.

Table 4-2: Court Fines and Filing Fees

Category	Mansfield	Elyria	Licking	Warren	Peer Avg.	% Difference
Moving Violation	\$126 ¹	\$145	\$128 ²	\$115	\$129	-2.6%
Non-moving Violation	\$128 ³	\$201	\$128 ⁴	\$125	\$151	-15.4%
Basic Criminal	\$90 ⁵	\$100	\$109	\$115	\$108	-16.7%
Civil Complaints	\$96	\$105	\$125	\$100	\$110	-12.7%
Small Claims	\$54	\$75	\$70	\$50	\$65	-16.9%
Evictions	\$96	\$125	\$110	\$110	\$115	-16.5%
Replevins	\$96	\$105	\$100	\$125	\$110	-12.7%

Source: MMC and Peers' Court Cost Schedules.

¹ MMC moving violation of 1-15 MPH over limit is \$126 and increases to reckless operation fine of \$208.

² Licking fees range from \$128 for 1-5 MPH over limit for first speeding offense to \$203 for 26-29 MPH over limit for second offense in 12 months.

³ MMC non-moving waiver fine is \$128 while waiver after the court date is \$138.

⁴ Licking non-moving violations are \$128 for the first offense and \$148 for the second offense within a 12 month period.

⁵ \$90 is only the Court cost. There is an additional fine amount that is determined by the sentencing judge.

As illustrated by **Table 4-2**, MMC's fines and fees are lower than the peer averages in every category. However, Elyria's moving and non-moving traffic violations skew the peer average. Specifically, **Table 4-2** shows that MMC's moving and non-moving traffic violations are similar to Licking and higher than Warren. In contrast, the fees for civil complaints, small claims, evictions and replevins are lower than each peer, with the exception of small claims which is lower than two of the three peers. While the Court's basic criminal fee is lower than each peer, the judges have discretion in determining additional fines for criminal cases.

GFOA recommends the following process for setting charges and fees:

- A formal policy regarding charges and fees should be adopted. The policy should identify what factors are to be taken into account when pricing goods and services. The policy should state whether the jurisdiction intends to recover the full cost of providing goods and services. It also should set forth under what circumstances the jurisdiction might set a charge or fee at more or less than 100 percent of full cost. If the full cost of a good or service is not recovered, an explanation of the government's rationale for this deviation should be provided. Some considerations that might influence governmental pricing practices are the need to regulate demand, the desire to subsidize a certain product, administrative concerns such as the cost of collection, and the promotion of other goals. For example, mass transit might be subsidized because of environmental concerns.

- The full cost of providing a service should be calculated in order to provide a basis for setting the charge or fee. Full cost incorporates direct and indirect costs, including operations and maintenance, overhead, and charges for the use of capital facilities. Examples of overhead costs include: payroll processing, accounting services, computer usage, and other central administrative services.
- Charges and fees should be reviewed and updated periodically based on factors such as the impact of inflation, other cost increases, the adequacy of the coverage of costs, and current competitive rates.
- Information on charges and fees should be available to the public. This includes the government's policy regarding full cost recovery and information about the amounts of charges and fees, current and proposed, both before and after adoption.

Having documented policies and procedures that define the methodologies for setting and reviewing its schedule of fines and fees would help ensure that fines and fees are set at appropriate amounts.

Financial Implication: If MMC increased fees related to civil cases in a manner that would increase the civil collections in 2009 by 10 percent, it could increase annual revenues by approximately \$250,000. It should be noted that the four civil fees in **Table 4-2** at MMC are more than 10 percent lower than the respective peer averages.

Client Response

The two letters that follow are Mansfield's official response to the performance audit. Throughout the audit process, staff met with City officials to ensure substantial agreement on the factual information presented in the report. When City officials disagreed with information contained in the report and provided supporting documentation, the audit report was revised. While the official responses did not require any modifications to the performance audit report, the following is intended to clarify certain items mentioned in the Mayor's response:

- The staffing data for the Police and Communications Center is as of October 2010.
- The reader should refer to recommendation **2.1** for a full analysis of Communication Center staffing levels and note number 4 under **Table 2-1** for information about calls dispatched.
- Total calls per FTE of 3,144 is calculated by dividing the total dispatched calls (39,470 police calls plus 7,685 fire calls) by total Communication Center FTEs (15).
- Total support staff per 10,000 residents of 4.0 is calculated by dividing the total support staff FTEs (20) by City population (49,579); then multiplied by the factor of 10,000.
- Recommendation **2.5** addresses concerns with the City's response time data.
- The analysis in recommendation **2.4** accounts for reimbursed overtime costs.
- The reader should refer to the notes under **Table 3-2** for information about the peer cities' EMS functions.
- The reader should refer to **Table 4-1** for information about caseloads and staffing levels.
- The performance audit did not determine whether the probation officers are fully funded by offender fees.
- No documentation was provided that measures and reports on the overall effectiveness of the specialty court dockets.



City of Mansfield, Ohio

Donald R. Culliver, Mayor

30 N. Diamond Street
Mansfield, Ohio 44902

419-755-9626
FAX 419-755-9627

June 24, 2011

Honorable Dave Yost
Auditor of State
Lausche Building
615 Superior Ave., NW, Twelfth Floor
Cleveland, Ohio 44113-1801

Re: Performance Report Response
City of Mansfield, Ohio

Dear Mr. Yost:

Please allow me to begin by expressing our appreciation to you on behalf of my office and the residents of Mansfield for the assistance provided by your Performance Audit Team. Their efforts have assisted us in developing methods to increase efficiencies as we strive to deliver quality services to our community.

As we collaborated with your team we began immediately to evaluate and when possible begin implementation of identified strategies to improve efficiencies and where practical and possible lower costs. These are difficult times and a fresh review of our operations was both welcomed and beneficial in many areas. Outcomes during the process have generated much discussion on what can be done better, and in some areas has helped to move us forward on issues that have been recommended or under evaluation for many months.

Although our response regarding financial recommendations will be addressed in greater detail by our Finance Director and submitted in a separate report, the reviews and assistance provided by your Audit Team and Performance Team has been exceptional. We will continue to move forward working with our Law Director, Finance Director and City Council in developing more comprehensive financial management strategies including policy development to assist us in improving our budget process.

Unfortunately in some areas, such as Court Consolidation with other communities, our State Legislators and/or a variety of stake holders must agree before collaboration can be successful and of course there are many funding considerations. The Jail Contract is basically a 20 year agreement, however we have begun dialog with the County Commissioners to explore ways to reduce costs. As noted in our discussions, Emergency Medical Service Billing is reviewed annually and much of the disparity between amount billed and collected is the result of fixed contracts such as pricing established by Medicare and major insurance carriers. We will also continue to improve our method used to collect bad debt which is a growing area of concern as noted in your report. Emergency 911 Center consolidations has been studied and in fact the 911

Technical Advisory Committee concluded a review late last year. Such a consolidation is both possible and practical, but will be very costly. In order to continue this process it was recommended we consider new taxes, *such as a property tax increase which I am not in favor of at this time.*

Contract negotiations to adjust labor agreements with the four city employee labor organizations continue. We have reported progress in the area of benefit reductions including in the area of health care costs and continue to work toward consensus in many areas. However until Senate Bill 5 actually becomes law, we are not considering the content of this legislation.

Our relationship with the Regional Community Advancement Program will be better formalized and in fact was nearly cost neutral in 2010 and 2011. New software implemented by the Finance Department will allow us to better track costs and revenue for this program which continues to grow. This is the largest program of its kind in our community and provides unique critical services to an underserved population, who are most in need.

The responses that follow specifically address special sections of the report.

Police and Communications Center

Organization and Staffing Many changes in staffing have occurred since the review by the Performance Team which was based on 2009 figures. While the background summary indicates that salary levels and technology did not yield recommendations, there have been changes in staffing levels from that listed in the report. Specifically, sworn staff is indicated at 83, while the current number is actually 76, significantly less than that recommended by the Department of Justice for a similar size city.

Additionally, the report lists differences for civilian support staff. The Division employs a total of 15 support staff personnel (not including communications), a reduction of two dispatchers and one supervisor from that reported. Formally there had been one supervisor for each 8 hour shift in our 911 Center, all 3 have been eliminated.

Total authorized staff, including communications is 102 sworn, 39 non-sworn, and 21 for communications. Actual numbers are 77, 15, and 14 respectively, *representing 56 positions in total below our authorized strength (162/106).*

Operating Statistics The statistics as outlined in Table 2-1 utilize 2009 data, and therefore may be accurate with respect to personnel levels that existed at the time; however, they do not reflect a current analysis given the reduction in personnel levels over the 18 month period. For example, utilizing current staffing levels, the officers per 1000 citizen's has been reduced to 1.5 officers per one thousand resident down from the DOJ recommended 2.6 per thousand. During the same period calls for service has risen to 513. Total violent and property crime per officer is listed at 35 (2921/83) but rises to 38, exceeding each comparative peer city. This rate holds true for 2010 numbers as well.

911 Emergency Communications Center staffing per 10,000 citizens has been reduced to 2.8 (14/4.95). Also it should be noted that *lower peer numbers are partly based on assumption and include numbers for dispatch centers that do not combine fire/EMS calls.* Total calls per FTE are listed at 3144, though I'm not sure how this number was obtained. Total calls for service (39470) divided by 3144, would leave 12.6 FTE's. It is also unclear how support staff per 10,000 citizens

was calculated at 4. This would indicate a support staff of 19.8 (4 x 4.95). Response time data as listed is incomplete, however new technology and software is now capable of detailed reports which will allow more accurate evaluation of emergency service delivery.

Recommendations 2.1 The audit recommends eliminate 4 FTE support staff positions and at least 1 FTE communications positions, based on October 2010 numbers of 83 sworn, 15 communications staff and 20 support staff. We are currently at 77 sworn, 14 communications staff and 15 support, *exceeding all recommended levels.*

2.3 The report recommends lowering severance and shift differential pay, vacation accrual rates, limiting sick leave payouts, and offering only one method for sick leave incentive.

Current concession by police officers represented by the FOP have reduced holiday premium pay, altered method used to fill of vacant positions, and the elimination of cash sick leave bonuses. These changes have reduced costs by hundreds of thousands and we remain in talks with the FOP to further amend the benefit package including Health Care Coverage.

2.4 This section addresses non-sworn overtime costs. Table 2-2 lists an overtime comparison including overtime costs for sworn officers at \$347,271 and non-sworn overtime costs at \$149,220, for a total overtime expenditure of \$496,491. *The rates listed include overtime that is reimbursed from other sources including grants which funds overtime for specific crime and traffic reduction activities.* The 2011 budget includes a non-sworn budgeted amount of \$81,633 and a sworn budget of \$290,393. If the entire overtime budgets are exhausted, the Division will spend a total of \$372,056, *representing a reduction of 25%.* The total overtime cost per citizen would then be \$7.50, below the peer average of \$7.63.

We have met or exceeded all recommendations found in the report and continue to address issues covered by contracts. Analysis and evaluations continue.

Mansfield Fire Department

Emergency Medical Services Billing (page 10) It is a fact that in 2010 the MFD billed over \$3.8 million and collected \$1.3 million. More than \$1.7 million of that difference is the result of contractual write off. Both Medicare and Medicaid have set rates which they pay regardless of what is billed. Most large insurance companies have negotiated rates with providers as well. Another portion of the difference is bad debt write-off. This amounted to \$210,000 in 2010. The remaining \$547,204 is from active accounts that have been neither recovered nor written off. Our recovery rate is roughly 35% which is in line with comparable departments. The Mansfield Fire Department and its vendor have both sought to optimize the return rate through quality assurance improvements and data sharing.

Recommendations Sick leave (page 36) Sick leave usage for the Fire Department would include back surgery, abdominal surgery, foot surgery, etc which totaled 5,160 hours.

3.1 Although the City of Mansfield tried negotiating to minimize minimum manning, it did secure a reduction as referenced in footnote 27 on page 55. An agreement was reached which also:

- Reduced the members in the Fire Prevention Bureau from 3 to 1.
- Leaves the position of Training Captain vacant.

- No Captains will be promoted.
- Minimum manning lowered from 21 per day to 18 per day.
- Removed the 88 firefighter requirement from the contract.
- No longer requires that an Assistant Chief be replaced using overtime.
- No wage increase for the duration of the agreement.
- Reduced the number of holidays for any newly hired firefighters.

3.2 The current level of the Mansfield Fire Department sworn members is now 83 FTEs. 78 FTEs reflect fire/ EMS staff, including firefighters and Captains.

3.3 As a result of the contract changes that were described on the previous page, a new overtime estimate for 2011 is \$400,000.

It should also be noted that some peer comparables do not provide full time EMS Response to its residents.

Mansfield Municipal Court

4.1 As noted *Mansfield Municipal Courts total cases exceed the Peer Average by 30% or more than 10,000 cases annually. The additional Staffing FTE's are Probation Officers which are funded by offender fees* and are the result of Specialty Dockets. These "Specialty Court Dockets" have been recognized by Ohio Supreme Court Justices as a Model for Ohio Courts, and the Court often hosts visits from other court jurisdictions to observe the function of these programs. Special Court Dockets are designed to improve behaviors by requiring intense accountability combined with necessary intervention strategies. Our ultimate goal is to assist and encourage the offender in becoming a more productive member of our community while helping to maintain healthy family relationships resulting in reduced recidivism. This approach is a departure from many courts and requires intense accountability. The methodology requires additional Probation Officers which again are funded by fees collected from offenders, *not tax dollars*.

The court currently relies on reports and studies of Specialty Court Outcomes from the Ohio Supreme Court and our local evaluation data to determine the effectiveness of our Specialty Courts, both of which show great success and future promise. However as a result of discussions during the Performance Process, and additional requirements of the Court, we have begun a process to develop a more complex and expanded recidivism study.

4.2 4.3 Improved technology is now and has been an objective the Court seeks to address provided adequate funding without the use of current tax dollars. Disposition rates noted in the report have identified a significant problem with our current computer software which was miscalculating time for our dispositions. This issue is being addressed by our IT Department in collaboration with the Court and Clerk. The process will also include an evaluation of fees and court costs based on the information provided in your report toward a goal of improving technology used to track court cases and collections. This initiative will also address developing a paperless management strategy. Funding from the former "Computerization Fund" remains available in the Special Projects Fund, and the Court will consider funding options when the Technology Assessment is completed.

It should also be noted, as we outlined in our discussions, some dispositions can be impacted by allowing continuances to assure offenders compliance with orders of the court such as obtaining a

driver license or making restitution to a victim. In some situations continuing the case is a better option to assure compliance.

Although the Court has established rules governing continuances, a review of all practices will be completed as we work to correct software issues, and adjust fees and fines recommended in your report and discussed earlier in this response. Policies are complex and although examples provided in the report from Virginia and Minnesota may seem straight forward, implementation of such policies must include many factors that were not addressed in your report.

Please allow me to close by again expressing how much we appreciate the work of your office. Although we may not be in a position to implement all of these recommendations, it is our intent to evaluate them and implement those that yield the best results in reducing costs while improving the delivery of services to our residents.

Sincerely,

A handwritten signature in cursive script that reads "Donald R. Culliver". The signature is written in dark ink and is positioned above the typed name.

Donald R. Culliver
Mayor
City of Mansfield

City of Mansfield, Ohio

KELLY BLANKENSHIP, FINANCE DIRECTOR

30 N. Diamond Street
Mansfield, Ohio 44902

Phone (419) 755-9781
Fax (419) 755-9405

June 24, 2011

Mr. Dave Yost
Ohio Auditor of State
Lausche Building, 12th Floor
615 Superior Avenue, NW
Cleveland, Ohio 44113

Dear Mr. Yost:

Thank you for conducting a Performance Audit of the operations of the City of Mansfield. I appreciate the professionalism and attention to detail that your staff exhibited in conducting their study. The integrity and objectivity displayed during the process was exemplary and much appreciated.

I wanted to address specifically the areas of the audit that apply to the Finance Department and the interaction we would have with the City administration and Council to promote progress. First, let me express my gratitude for identifying the Efficient and Effective Income Tax Collection as a noteworthy accomplishment. That function is solely under my authority as Finance Director. We made drastic staffing reductions in 2009 in response to the economic crisis that swept the City, but our philosophy has remained -- continuous improvement. That working philosophy has enabled us to provide the same level of service with a 37% reduction in staff. Subsequent to the completion of the report, staffing in the income tax division was further reduced by 1 FTE. We anticipate no change in our collection efforts, although we plan to implement on-line filing for individuals by the end of 2011.

Issues for further study noted that our purchasing policy manual is not current. As the migration to the new financial management software comes to a close and the bugs are worked out, the manual is being revised. All employees received a training manual for the software and current purchasing policies have remained intact. What is lacking is a manual that combines both elements into one. I foresee the completion of a new purchasing and procedure manual by the end of this year.

Recommendation 1.1 "Develop plans and performance measures to aid in decision-making" is an area we have begun to research. I am looking into developing performance measures that will aid the Administration once they complete the strategic plan and capital improvement plan. The software that was recently implemented will aid greatly toward this end as it can incorporate those measures that will help us assess the performance of the various departments and functions. In addition, the software has the capability to forecast any number of years we wish. This will enable city officials to turn their focus from current year reactions to long-term planning.

Recommendation 1.2 "Improve the budgetary process" will include a proposal from me to City Council and the administration of a revised methodology and policy resulting again from the implementation of our new software. The current practice does not involve many steps for involvement, either internal or

external; however, the software provides for four separate levels where comment and review can take place prior to final adoption.

The idea of a minimum fund balance has been the topic of many discussions this year and it's my intention to have a policy in place we can adhere to once we emerge from fiscal emergency. In addition, I have researched other entities' budget documents and have shared some of my ideas with the mayor in previous years. My desire is to work with the various department heads and directors to develop a budget document in 2012, incorporating our policies and long-term focused goals, as we do the CAFR and apply to the GFOA for the Distinguished Budget Award.

Recommendation 1.9 "Implement a system that captures full program costs and recoups the costs, where applicable" is an area I am currently researching. I have been reviewing OMB Circular A-87 as well as the study "A Central Services Cost Allocation Plan" performed for Richland County by Maximus. Gaining a thorough understanding of these practices will enable us to apply a more logical method of allocating costs and abandon the legacy of the blanket percentage that has been in place for decades.

Another portion of this recommendation pertained to the Regional Community Advancement (RCA) program. The audit correctly reported that the City funded fully some of the costs related to personnel and building maintenance. However, for 2011, we have been able to assist the Project Director in formulating the budgets for the various programs to recover those costs. The result for 2011 is that the City will shoulder none of the financial burden for RCA. It is for the first time in its history self-sustaining. Other issues persist, but the financial issue is resolved for this year. Long-term sustainability remains questionable.

Recommendation 1.13 "Review job descriptions" suggests that the Human Resources Department review and update job descriptions. As the loss of staff has caused much consolidation of job duties, I believe that I need to restructure my financial operations. My goal is to have that design in place for 2012, delineating clearly the titles and job descriptions for all employees under my charge.

Clearly, the City has much room for improvement in its operations. I'm grateful for the assistance of the state auditors in analyzing our practices and identifying those strategies to help improve our financial standing. As we begin the financial healing process, I'm confident we now have the tools to enhance our services to the citizens of Mansfield and become better managers of the assets over which we have charge.

Respectfully submitted,



Kelly Blankenship
Finance Director

cc: Mayor Don Culliver

Supreme Court of Ohio Response

The following letter dated September 22, 2011 is a response from the Supreme Court of Ohio to the Municipal Court section of the City of Mansfield performance audit that was released on July 12, 2011. The Supreme Court response expresses disagreement with the methodology used to calculate case clearance rates for the Mansfield Municipal Court and the peer courts and asks that the response be appended to the City of Mansfield performance audit report.

The methodology used by the Auditor of State expresses case clearance rates as a ratio of the number of cases terminated during a specified period to the total number of cases on the court's docket for the same period (newly filed cases, reactivations and transfers, and cases pending from prior years). The Supreme Court utilizes a different methodology to determine court clearance rates. It expresses clearance rate as "the ratio of a court's outgoing cases to its incoming cases during a specified period." The primary difference between these methodologies centers on whether pending cases should be included when determining a court's total case load for a specified period.

The Supreme Court of Ohio

CHAMBERS OF
CHIEF JUSTICE MAUREEN O'CONNOR

65 SOUTH FRONT STREET
COLUMBUS, OH 43215-3431

September 22, 2011

The Honorable Dave Yost
Auditor of State
88 East Broad Street
5th Floor
Columbus, Ohio 43215

Dear Auditor Yost:

I write today on behalf of the Supreme Court of Ohio and the Ohio Judicial Branch in response to the performance audit your office conducted of the City of Mansfield that was released on July 12, 2011, an audit that also included the Mansfield Municipal Court, a separate and independent entity within the city's government structure. I request that this response be appended to the audit report as posted on your website.

It is our position that the methodology that was used in your report to calculate the clearance rate of the Mansfield Municipal Court and the other courts to which it was compared is in error and should be corrected.

The calculation of a court's clearance rate is a useful tool in measuring its performance. A clearance rate is expressed in the ratio of a court's outgoing cases to its incoming cases during a specified period. A clearance rate of 100 percent indicates a court disposed of an equal number of cases as it took in during the period and is a commonly accepted and objective standard in measuring the efficiency of a court in processing its cases. The calculation is not designed to and *never* includes the number of cases pending at the beginning or the end of the period. This is because a court *always* has cases pending. If one adds the number of cases pending to the number of cases filed in a reporting period (as does your report) and then divides the sum into the number of cases disposed of during the same period, a court would never have a 100 percent clearance rate unless it disposes of all of its cases pending at the beginning of *and* filed during the reporting period. This is a misapplication of the clearance rate measure.

September 22, 2011

For example, your report states the clearance rate for the Mansfield Municipal Court for its civil cases in the reporting period was 60 percent. When compared to the objective standard of 100 percent, the court's performance would appear poor. The measurement of 76 percent for the peer courts also suggests poor performance by those courts as well. However, when calculated properly, the Mansfield Municipal Court's clearance rate for this type of case is 102 percent and the clearance rate for the peer courts is 108 percent.

This means that all of these courts disposed of more civil cases than they took in during the time period under review. In other words, all of the courts performed very well on this measure. This is also where the report's reliance on a comparison of the Mansfield Municipal Court to peer courts, instead of an objective standard, falls short.

You will find enclosed two work sheets which compares the work of the Mansfield Municipal Court and the peer courts. The first sheet, which is provided as Attachment A, shows the clearance rate comparisons by case type between the Mansfield Municipal Court and the collective peer average, with one column displaying the rates when correctly calculated against the second column displaying the rates when incorrectly calculated. The second sheet, which is provided as Attachment B, shows the same information with detail for each of the peer courts.

It is important to note that the use of the clearance rate measure, while helpful, is not the only valid tool one may use in measuring a court's performance in processing its cases. Three other useful measures that are often used in conjunction with the clearance rate measure are the "time to disposition" measure, the "trial date certainty" measure, and the "age of active pending caseload" measure. In addition, there is the "overage case" standard our staff often uses to measure cases pending beyond the case type time guidelines as set by the Supreme Court through the Rules of Superintendence for Ohio Courts. Our staff often uses all of these standards in its reviews to provide a comprehensive assessment of a court's efficiency.

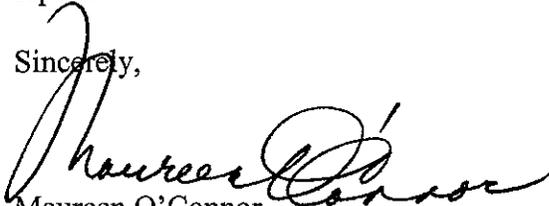
Finally, I wish to note that staff from our Case Management Section has spoken with information technology staff from the Mansfield Municipal Court to better understand the nature of the undercounting of case terminations mentioned in your report. They reported to us that a small number of cases were being reactivated and not properly terminated. This resulted in a steady, but insignificant increase in the court's pending caseload. They also reported they have made corrections to the coding practices the court uses which will rectify this issue. However, this minor reporting problem has no bearing on the appropriate method by which to calculate the court's clearance rate.

September 22, 2011

I believe it is important to clarify this point for the purpose of making sure the public record is accurate. Without properly recalculating and amending your report on the clearance rate for the Mansfield Municipal Court and the peer courts, the public record will continue to inaccurately portray the work of the judges and court staff and create a misimpression of their efficiency as measured against all other courts in Ohio.

I appreciate your responsiveness to our concerns and respectfully request that you reconsider your position on the clearance rate methodology that was used in the audit report.

Sincerely,



Maureen O'Connor
Chief Justice

Attachments

cc: The Honorable Donald R. Culliver, Mayor, City of Mansfield
Mansfield City Council President, Philip Scott
Mansfield City Council Member, Mike Hill
Mansfield City Council Member, Jeff Rock
Mansfield City Council Member, Scott Hazen
Mansfield City Council Member, Butch Jefferson
Mansfield City Council Member, Pat Hightower
Mansfield City Council Member, Sandra Carmichael
Mansfield City Council Member, Doug Versaw
Mansfield City Council Member, Ellen Haring
The Honorable Frank Ardis Jr., Judge, Mansfield Municipal Court
The Honorable Jerry E. Ault, Judge, Mansfield Municipal Court
Mark Schweikert, Executive Director, Ohio Judicial Conference

Mansfield Municipal Court
Clearance Rate Comparisons
Calendar Year 2009

Case Types	Clearance Rate (correct method)		Clearance Rate (incorrect method)	
	Mansfield MC	Peer Average	Mansfield MC	Peer Average
Civil	102.1%	107.9%	57.8%	75.9%
Criminal	97.4%	106.9%	68.9%	89.9%
Traffic	99.5%	103.0%	88.8%	94.0%
Criminal and Traffic	98.9%	104.1%	81.7%	93.0%
All Case Types	99.4%	105.1%	76.6%	88.9%

Mansfield Municipal Court

Pending, Incoming, and Outgoing Cases and Performance Data - Comparisons with AOS-Designated Peer Courts
 Calendar Year 2009, Full Detail

	Pending 1/1/2009	New Filings	Transfers and Reactivations	Total Terminations	Clearance Rate (correct method)	Clearance Rate (incorrect method)
CIVIL CASES						
Mansfield MC	3,047	3,895	85	4,062	102.1%	57.8%
<i>Peers</i>						
Elyria MC	2,204	3,451	35	3,783	108.5%	66.5%
Licking Co. MC	1,016	4,153	58	4,253	101.0%	81.4%
Warren MC	1,596	3,573	163	4,265	114.2%	80.0%
Peer Average					107.9%	75.9%
CRIMINAL CASES						
Mansfield MC	2,703	5,265	1,275	6,372	97.4%	68.9%
<i>Peers</i>						
Elyria MC	1,519	4,689	1,377	6,838	112.7%	90.2%
Licking Co. MC	361	2,725	755	3,542	101.8%	92.2%
Warren MC	552	2,261	329	2,748	106.1%	87.5%
Peer Average					106.9%	89.9%
TRAFFIC CASES						
Mansfield MC	1,778	13,076	1,737	14,740	99.5%	88.8%
<i>Peers</i>						
Elyria MC	1,738	10,370	709	11,790	106.4%	92.0%
Licking Co. MC	698	12,427	1,291	13,932	101.6%	96.6%
Warren MC	759	7,830	1,283	9,206	101.0%	93.3%
Peer Average					103.0%	94.0%
COMBINED CRIMINAL AND TRAFFIC						
Mansfield MC	4,481	18,341	3,012	21,112	98.9%	81.7%
<i>Peers</i>						
Elyria MC	3,257	15,059	2,086	18,628	108.6%	91.3%
Licking Co. MC	1,059	15,152	2,046	17,474	101.6%	95.7%
Warren MC	1,311	10,091	1,612	11,954	102.1%	91.9%
Peer Average					104.1%	93.0%
ALL CASES COMBINED						
Mansfield MC	7,528	22,236	3,097	25,174	99.4%	76.6%
<i>Peers</i>						
Elyria MC	5,461	18,510	2,121	22,411	108.6%	85.9%
Licking Co. MC	2,075	19,305	2,104	21,727	101.5%	92.5%
Warren MC	2,907	13,664	1,775	16,219	105.1%	88.4%
Peer Average					105.1%	88.9%