

**RECESSED MEETING  
JUNE 1, 2016**

The Ashland Board of Commissioners met in Recessed Session in the Commissioners' Chambers, City Building, Ashland, Kentucky, on Wednesday, June 1, 2016, at the hour of 8:30 AM. Those present were Commissioners: Larry Brown, Amanda Clark, Kevin Gunderson, Marty Gute and Mayor Chuck D. Charles, who presided. Also present were: Richard W. Martin, Interim City Manager; John F. Vincent, Corporation Counsel; Kevin P. Sinnette, Assistant Corporation Counsel; Susan W. Maddix, City Clerk; Robert W. Ratliff, Chief of Police; Sean Murray, Human Resources/Parks and Recreation Director; Ryan Eastwood, Director of Engineering and Utilities; Lt. William Hensley, Ashland Police Department; Major Kevin Thompson, Louisville Metro Police Department; and Reporters.

**AGENDA**

Interim City Manager Martin presented the agenda of June 1, 2016. Motion was made by Brown, seconded by Clark, to receive & file the agenda. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson, Gute and Mayor Charles. Nay - none. Motion passed.

**OLD BUSINESS**

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 68, 2016**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, APPROVING AND ADOPTING THE 2016-2017 BUDGET AND APPROPRIATING REVENUES ON HAND AND TO BE RECEIVED DURING THE YEAR 2016-2017 FOR THE PAYMENT OF EXPENSES OF THE CITY OF ASHLAND FOR THE TWELVE-MONTH PERIOD BEGINNING JULY 1, 2016 AND ENDING JUNE 30, 2017 AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

\* \* \* \*

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the annual budget for the fiscal year 2016-2017, as presented by the City Manager to the Board of Commissioners be and the same is hereby approved and adopted.

SECTION 2. That the following appropriations be and the same are hereby made from revenues on hand and to be received during the year 2016-2017 by the City of Ashland, Kentucky:

**FROM GENERAL FUND**

FOR:	
DEPARTMENT OF GENERAL GOVERNMENT	\$ 5,619,858
DEPARTMENT OF FINANCE	622,896
DEPARTMENT OF PUBLIC WORKS	5,058,865
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT	645,659
DEPARTMENT OF POLICE	5,266,211
DEPARTMENT OF FIRE	5,968,551
DEPARTMENT OF ENGINEERING	150,092
 TOTAL FROM GENERAL FUND	 \$ 23,332,132

**RECESSED MEETING JUNE 1, 2016**  
**ORDINANCE NO. 68, 2016 CONTINUED**

**FROM MUNICIPAL AID PROGRAM FUND**

FOR:  
DEPARTMENT OF MUNICIPAL AID PROGRAM \$ 440,015

**FROM COMMUNITY DEVELOPMENT BLOCK GRANT FUND**

FOR:  
DIVISION OF GENERAL CDBG \$ 78,127  
DIVISION OF CDBG ACTIVITIES 928,723

TOTAL FROM COMMUNITY DEVELOPMENT BLOCK GRANT \$ 1,006,850

**FROM SECTION 8 VOUCHER PROGRAM**

FOR:  
DIVISION OF SECTION 8 VOUCHER PROGRAM \$2,653,890

**FROM FLOODWALL OPERATING FUND**

FOR:  
DIVISION OF FLOODWALL MAINTENANCE \$241,214

**FROM UTILITY FUND**

FOR:  
DEPARTMENT OF UTILITY ADMINISTRATION \$6,340,729  
DEPARTMENT OF WATER SERVICES 7,593,702  
DEPARTMENT OF SEWER SERVICES 5,848,999

TOTAL FROM UTILITY FUND \$19,783,430

**FROM ASHLAND BUS SYSTEM**

FOR:  
DIVISION OF MASS TRANSIT \$1,154,123

**FROM RECREATION OPERATING FUND**

FOR:  
DIVISION OF CENTRAL PARK \$672,964  
DIVISION OF DAWSON PARK POOL 145,466  
DIVISION OF SPORTS PARK 94,435  
DIVISION OF OTHER PARKS (RECREATION) 136,488

TOTAL FROM RECREATION OPERATING FUND \$1,049,353

**FROM ASHLAND CEMETERY FUND**

FOR:  
DIVISION OF CEMETERY \$186,295

**RECESSED MEETING JUNE 1, 2016**  
**ORDINANCE NO. 68, 2016 CONTINUED**

**FROM CAPITAL PURCHASE / IMPROVEMENT FUND**

FOR:

DEPARTMENT OF GENERAL GOVERNMENT	\$18,600
DEPARTMENT OF PUBLIC WORKS	696,000
DEPARTMENT OF POLICE	94,962
DEPARTMENT OF FIRE	312,000

TOTAL FROM CAPITAL PURCHASE / IMPROVEMENT FUND \$1,121,562

SECTION 3. In the event that the collection of Revenues for the General Fund of the City of Ashland produces, during the fiscal year 2016-2017 any sum in excess of the amount appropriated herein from the General Fund, all monies collected in excess of said sum shall be deposited by the Director of Finance in the General Fund and shall be used and expended for any lawful purpose to be determined by the Board of Commissioners in its lawful discretion.

SECTION 4. The City Manager is authorized to advertise and receive bids on all budget items authorized. All expenditures for services and capital items above the bid minimum established by KRS 424.260, as amended shall require Ashland Board of City Commissioners approval.

SECTION 5. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 6. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

/s/CHUCK D. CHARLES  
MAYOR

ATTEST:

/s/SUSAN MADDIX  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: May 26, 2016  
READOPTED BY THE BOARD OF COMMISSIONERS: June 1, 2016  
PUBLISHED:

**MOTION**

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 68, 2016, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson, Gute and Mayor Charles. Nay – none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 69, 2016**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING CHUCK D. CHARLES, MAYOR, TO EXECUTE A CONTRACT BETWEEN THE CITY OF ASHLAND AND MORTON SALT, INC. FOR THE PURCHASE OF APPROXIMATELY ONE THOUSAND FIVE HUNDRED (1,500) TONS OF TREATED ROCK SALT AT \$68.12 PER TON FOR THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF STREETS.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

**RECESSED MEETING JUNE 1, 2016**  
**ORDINANCE NO. 69, 2016 CONTINUED**

SECTION 1. That Chuck D. Charles, Mayor of the City of Ashland, Kentucky be and is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky, and Morton Salt, Inc. for the purchase of approximately One Thousand Five Hundred (1,500) tons of treated rock salt for ice and snow control in an amount not to exceed \$68.12 per ton as set forth in the contract for the Department of Public Works, Division of Streets. A copy of said contract is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances of the City of Ashland and any parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/CHUCK D. CHARLES  
MAYOR

ATTEST:

/s/SUSAN MADDIX  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: May 26, 2016  
READOPTED BY THE BOARD OF COMMISSIONERS: June 1, 2016  
PUBLISHED:

**MOTION**

Motion was made by Brown, seconded by Gunderson, to adopt Ordinance No. 69, 2016, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson, Gute and Mayor Charles. Nay – none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 70, 2016**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND APPROVING CHANGE ORDER NO. 2 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND DANNY SULLIVAN EXCAVATING, LLC FOR A CONTRACT REGARDING THE EXISTING WATER PUMPING STATIONS IMPROVEMENT PROJECT FOR THE DEPARTMENT OF ENGINEERING AND UTILITIES.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Change Order No. 2 in the contract authorized by Ordinance No. 5, 2016 between the City of Ashland, Kentucky and Danny Sullivan Excavating, LLC for the existing water pumping stations improvement project is hereby approved as follows:

**Change Order No. 2**

Original Contract Price	\$218,149.00
Previous Change Orders	9,898.75
Contract Price prior to this Change Order	228,047.75
Net <b>Increase</b> /Decrease of this Change Order	<u>17,243.67</u>
Contract Price with all approved Change Orders	\$245,291.42

**RECESSED MEETING JUNE 1, 2016**  
**ORDINANCE NO. 70, 2016 CONTINUED**

A true copy of Change Order No. 2 is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances of the City of Ashland and any parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/CHUCK D. CHARLES  
MAYOR

ATTEST:

/s/SUSAN MADDIX  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: May 26, 2016  
READOPTED BY THE BOARD OF COMMISSIONERS: June 1, 2016  
PUBLISHED:

**MOTION**

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 70, 2016, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson, Gute and Mayor Charles. Nay – none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 71, 2016**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, REPEALING ORDINANCE NO. 50, SERIES OF 2015, AND ESTABLISHING AND PROMULGATING CERTAIN PROCEDURAL REGULATIONS AND PREREQUISITE QUALIFICATIONS RELATING TO THE RECRUITMENT AND SELECTION OF POLICE OFFICERS FOR THE DEPARTMENT OF POLICE OF THE CITY OF ASHLAND; PROVIDING FOR A ONE YEAR PROBATIONARY PERIOD OF SERVICE UPON ORIGINAL EMPLOYMENT AS A POLICE OFFICER; REQUIRING CERTAIN PRESCRIBED RELATED EDUCATION AND TRAINING; AND FURTHER PROVIDING FOR PERFORMANCE EVALUATION AND STANDARDS OF DISCIPLINE FOR ALL SUCH EMPLOYEES; THIS ORDINANCE TO BE KNOWN AND REFERRED TO AS A “COMPREHENSIVE HIRING ORDINANCE FOR POLICE OFFICERS FOR THE DEPARTMENT OF POLICE”.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

**RECESSED MEETING JUNE 1, 2016**  
**ORDINANCE NO. 71, 2016 CONTINUED**

**SECTION 1. INTRODUCTION**

The procedures and requirements for recruitment, selection, employment, training and evaluation of entry level police officers with the rank of officer for the Department of Police (also referred to herein as the "Police Department") of the City of Ashland, Kentucky, shall be hereafter prescribed in this ordinance or any future amending or superseding ordinance thereto. Each officer of the Ashland Police Department shall be bound by the requirements of this ordinance and shall be subject to the rules, regulations, general orders, and special orders of the Ashland Police Department.

This ordinance shall be known and may be referred to as the "Comprehensive Hiring Ordinance for Police Officers for the Department of Police of the City of Ashland."

For the purpose of this ordinance, those words, terms or phrases used herein in the masculine gender shall include the feminine gender, and those words, terms or phrases used herein in the feminine gender shall include the masculine gender, except where the usage clearly indicates otherwise.

**SECTION 2. DEFINITIONS**

For the purpose of this ordinance, the following terms and phrases shall have the meanings here ascribed thereto:

Department of Criminal Justice Training (DOCJT) -	A Department of the Kentucky Justice Cabinet as established by KRS 15A.020 and as amended, for the purpose of providing training to police officers.
Career status police officer -	A police officer who has completed his required probationary period of employment and has been approved as required by this ordinance or amending or superseding ordinances, and has been appointed to career status pursuant to the terms of Section 28 of this ordinance.
Coach-adviser -	A career status police officer to whom a probationary police officer is assigned for on the job training and guidance.
Date of appointment -	The date upon which a probationary police officer begins employment and takes the oath of office.
Duty sergeant -	Any on-duty police sergeant assigned to a patrol team.
Kentucky Certified Peace Officer	A person that meets all legal requirements for and is therefore entitled to the classification as a certified police officer in the Commonwealth of Kentucky responsive of the stipulations of KRS 15.380 to 15.402.

**RECESSED MEETING JUNE 1, 2016**  
**ORDINANCE NO. 71, 2016 CONTINUED**

Kentucky Law Enforcement Council (KLEC) -	An independent administrative body of state government made up of the attorney general, law enforcement department heads throughout the Commonwealth of Kentucky, members of higher education and a city manager or mayor, a member of the Kentucky State Bar Association and a citizen of Kentucky not coming without the previous classifications. The council is vested with the powers to prescribe standards for law enforcement training required under KRS 15.310 to 15.510 and KRS 15.990 to 15.992, along with other functions.
Non-certified peace officer applicants-	A person that has made application to the City of Ashland for employment as a police officer that is not a Kentucky Certified Peace Officer as defined under KRS 15.380 to 15.404.
Field Operations division commander -	A police major assigned to command the entire field operations division.
Point value -	Numerical value of ratings assigned for completion of certain sections of this ordinance, which describe the selection process.
Police officer training coordinator-	A command officer that has been charged with coordinating schedules, activities and plans associated for on the job training and guidance.
Police trainee-	This is a non-sworn, training-level classification in the City's police Service. Incumbents are hired from an entry-level eligibility list and are sent to the Department of Criminal Justice Training (DOCJT) for basic police academy training. During training, incumbents do not have police powers and are subject to the rules and regulations of the City of Ashland, the Ashland Police Department, and the DOCJT. Advancement to a sworn Probationary Police Officer position is contingent upon successful completion of the basic training academy and the final review of the Police Chief. Upon approval, the officer(s) will begin a one-year probationary period.

**RECESSED MEETING JUNE 1, 2016**  
**ORDINANCE NO. 71, 2016 CONTINUED**

Probationary police officer -	A police officer who has not reached the first anniversary from his date of appointment as a probationary police officer.
Probationary period -	A period of one year beginning on date of appointment as a probationary police officer and ending on first anniversary date as probationary police officer.
Residence -	That place where a person has his true, fixed and permanent home and principal establishment, and to which whenever he is absent he has the intention of returning. This residence shall determine where a person may exercise the privilege of voting and other legal rights and privileges.
Team commander -	A police lieutenant assigned to a group of personnel for the purpose of accomplishing the police duties required of that group during a tour of duty.

**SECTION 3. AUTHORIZATION FOR HIRING PROCESS –  
ADVERTISING REQUIREMENT**

Upon determination by the Chief of Police that there is a need to begin an employment process and the eligibility list (Section 16) has expired or contains no additional qualified applicants, the City Manager shall authorize and require the Human Resources Director to make public by appropriate advertising the intent of the City of Ashland to employ such personnel. Basic prerequisite qualifications for police officer, dates, hours, and place applications may be obtained and a closing date for receiving completed applications shall be indicated in such advertisement.

The City of Ashland is an equal opportunity employer without regard to race, color, religion, ethnicity, gender, age, national origin, disability or status as a Vietnam era veteran.

The requirement for any documents to be attached to or presented with the completed application shall be noted thereon.

**SECTION 4. PREREQUISITE QUALIFICATIONS AND  
REQUIREMENTS OF APPLICANTS FOR POLICE  
OFFICER**

Prior to a conditional offer of employment for the position of police officer, each applicant must meet the following prerequisite requirements:

Applicant must:

- (a) Be a citizen of the United States;
- (b) by the date of submission of the application be twenty-one (21) years of age per KRS 15.382 and provide a copy of the birth certificate with application;

**RECESSED MEETING JUNE 1, 2016**  
**ORDINANCE NO. 71, 2016 CONTINUED**

- (c) be a high school graduate or must have earned a General Educational Development (GED) Diploma for high school level, and provide a copy of high school/GED diploma with application. Documentation of home schooling will have to be approved through the Kentucky Law Enforcement Council (KLEC). The KLEC has identified educational processes and institutions they recognize for satisfying the High School Diploma requirement.
- (d) if a veteran of any branch of the Armed Forces of the United States present with his/her application a copy of official documentation, or his/her DD214, Official Discharge, showing the reason for his/her discharge. The applicant shall not have received a dishonorable discharge, bad conduct discharge, or general discharge under other than honorable conditions;
- (e) have any other qualifications as may be prescribed by the Constitution of the Commonwealth of Kentucky, Kentucky Statutes, K.L.E.C. Peace Officer Professional Standards (P.O.P.S.) or ordinances of the City of Ashland, Kentucky;
- (f) be an orderly, law-abiding citizen of the United States with no prior felony conviction(s); or convictions of domestic violence and is not prohibited by federal or state law from possessing a firearm.
- (g) not have had certification as a peace officer revoked in Kentucky or any other state;
- (h) be a person of sobriety and integrity, and of sound mind and body;
- (i) be willing to become a resident of the Commonwealth of Kentucky prior to administration of the oath of office, if employed;
- (j) be willing to undergo and successfully complete thorough physical agility tests;
- (k) be willing to complete a KLEC psychological suitability screener examination, and any additional psychological examination performed by a licensed psychologist;
- (l) be willing to be fingerprinted and undergo and successfully complete thorough personal background investigation;
- (m) be willing to submit to and successfully complete polygraph testing;
- (n) provide a truthful statement certifying he/she has not used illicit drugs for the past 12 months;
- (o) as a pre-condition to employment and a condition to continued employment, execute a waiver to submit to random testing for illicit drugs to remain in force as long as employed by the Ashland Police Department;
- (p) as a condition to continued employment, be willing to undergo polygraph examination when given a lawful order to do so by an APD command officer during the course of any departmental investigation;
- (q) after a conditional offer of employment be willing to undergo and successfully complete thorough medical examination;
- (r) possess a valid license to operate a motor vehicle and provide a copy of the driver's license with the application;

**RECESSED MEETING JUNE 1, 2016**  
**ORDINANCE NO. 71, 2016 CONTINUED**

- (s) be willing to submit to a yearly medical examination;
- (t) be willing to execute a repayment agreement for continued employment with the APD for a minimum of 36 months;
- (u) be willing to attend the DOCJT basic training academy in Richmond, Kentucky; and
- (v) be free from tattoos or body piercing that will be visible while in any departmentally issued uniform. Body piercing does not include the piercing of the ear lobe. Officers with visible tattoos in any departmentally issued uniform prior to August 1, 2007, shall not be required to remove the existing tattoo, but shall not add to the tattoo or receive any additional tattoos that would be visible in any departmentally issued uniform.

**SECTION 5. RE-EMPLOYMENT**

The purpose of this section is to allow the City of Ashland to re-employ trained qualified personnel to the ranks of the Police Department under the following conditions:

- 1 Applicant left city service in good standing,
- 2 Applicant was employed for at least one (1) year,
3. Applicant meets all current employment requirements,
4. Be willing to execute a repayment agreement for continued employment with the Ashland Police Department for thirty-six (36) months,
5. Re-employment has the recommendation of the City Manager, and approval of the Board of Commissioners.

Applicants meeting the aforesaid conditions will be required to complete those steps in the testing and evaluation procedures determined by the City Manager to be necessary and appropriate in each particular circumstance based on previous employment history and other pertinent personal information.

**SECTION 6. CERTIFIED PEACE OFFICER**

The City of Ashland may employ any applicant who is a "Certified Peace Officer", pursuant to KRS 15.380 to 15.404. Such applicant must provide the City a copy of the Peace Officer Professional Standards Certification issued by the Kentucky Law Enforcement Council with the application. Certified peace officer applicants will be evaluated through the hiring procedure as outlined in Section 7 prior to processing all non-certified applicants.

**SECTION 7. TESTING AND EVALUATION PROCEDURES**

The following steps will be used in the testing and hiring procedure unless provided otherwise under Sections 5 or 6.

- Applications
- Physical Fitness Evaluation (Certified peace officers excluded from this process.)
- Written Examination (Certified peace officers excluded from this process.)
- Suitability Screening
- Background Investigation (Continues throughout the process.)
- Oral Interview & Evaluation
- Experience
- Education

**RECESSED MEETING JUNE 1, 2016**  
**ORDINANCE NO. 71, 2016 CONTINUED**

- Residency
- Military service
- Eligibility List
- Recommendation by City Manager & approval by Board of Commissioners (Conditional Offer of Employment – Pending Satisfactory Results of Remaining Procedures).
- Polygraph
- Medical Exam

**\*NOTE – The order in which the above procedures are performed is subject to administrative change.**

**SECTION 8. PHYSICAL FITNESS EVALUATION**

8.1 Consistent with the implementation of the Peace Officer Professional Standards and Certification Act, all applicants for the position of police officer shall be required to pass a battery of physical fitness tests.

Applicants will be required to complete a battery of tests, consisting of a 1.5 mile run, 300 meter run, maximum push up, one repetition maximum bench press, and one-minute sit-up.

Applicants may be required to have a medical examination to determine if they can safely participate in the physical agility testing. All applicants must have Kentucky Law Enforcement Council Medical Release Form(s) and signed by a physician if required.

In response to legislation enacted by the 1998 Kentucky General Assembly, KRS 15.382, the Kentucky Law Enforcement Council and the Kentucky Department Of Criminal Justice Training, established physical training standards for pre-selection screening of peace officer applicants. The Department conducted a validation study to determine which areas of physical fitness are necessary to perform the job of a Kentucky peace officer, and the level of fitness necessary to perform the essential functions of Basic Training. Currently, the test battery consists of five items. Dr. Bryant Stamford and Dr. Robert Moffatt completed the present study in the summer of 2009. This new approach employs an “overall” scoring scheme which allows a lower score on one test item to be compensated by a higher score on another test item.

The evaluation is for the purpose of demonstrating physical skills necessary to perform essential job functions and to determine as accurately as possible the ability of the applicant to cope with the extreme physical stress of a police officer. The evaluation shall be conducted and supervised by KLEC staff and monitored by designee(s) of the Chief of Police. The officer designated to perform background investigations shall express a written opinion to the Chief of Police as to each applicant's ability to perform physical tasks relative to real tasks performed on the job.

Each applicant shall receive a copy of the evaluation format a reasonable amount of time prior to the evaluation.

**8.2 PHYSICAL FITNESS**

Physical fitness means having the physical readiness to perform the strenuous and critical tasks of the job. The physical fitness areas that have been determined to be the underlying factors for an officer's capability to do the job consist of five specific and different areas.

1. Aerobic power or cardiovascular endurance. This is having an efficient heart and cardiovascular system so that an officer can perform physical tasks over a sustained period of time. It is an important area for performing job tasks such as making foot pursuits and long term use of force situations.
2. Anaerobic power. This is having the ability to make short intense bursts of effort. This is an important area for performing job tasks such as short sprint pursuit situations.

**RECESSED MEETING JUNE 1, 2016**  
**ORDINANCE NO. 71, 2016 CONTINUED**

3. Upper body absolute strength. This is having the upper body strength to make maximal efforts against a resistance. This is important for performing physical tasks that require lifting, carrying and pushing.
4. Upper body muscular endurance. This is having the capability to make repeated muscular contractions with the upper body without getting fatigued. This is important for much use of force job tasks.
5. Trunk or abdominal muscular endurance. This is having the capability to make repeated muscular contractions with the abdominal area without getting fatigued. The abdomen is the fulcrum of the body and is important in many tasks involving lifting, pulling and dragging.

**8.3 MEASUREMENT**

Physical fitness will be measured during the performance of five physical fitness tests that will be given in 3 hours in one day.

1. 1.5 mile run. This measures aerobic power or cardiovascular endurance (the ability to have stamina over time). This test consists of running/walking, as fast as possible, the distance of 1.5 miles.
2. 300 Meter Run. This measures aerobic power or the ability to make an intense burst of effort for a short time period or distance. This test consists of sprinting 300 meters as fast as possible.
3. One Repetition Maximum (RM) Bench-Press. This measures the absolute strength of the upper body. The candidate lies on a bench and pushes up as much weight as possible one time.
4. Maximum Push up Test. This measures the muscular endurance of the upper body. The candidate executes as many push-ups as possible from the front, lean and rest position with no time limit.
5. One Minute Sit up Test. This measures the abdominal or trunk muscular endurance. While lying on the ground, the candidate executes in one minute as many bent leg sit ups as possible.

The procedure and order for testing will be as follows:

Five (5) physical fitness tests will be given in (3) hours, in the following order:

- Bench Press (% of body weight – conversion)
- Sit up Test (1 minute time limit)
- 300 Meter Run
- Push up Test (2 minute time limit)
- 1.5 Mile Run

The following chart is used to determine the points earned for each event. In order to meet the state standard, an overall minimum of 50 points must be achieved. Failure to meet the overall minimum requirement constitutes a failure for the test battery.

Physical performance points distribution:

<u>Event</u>	<u>9 pts</u>	<u>9.5 pts</u>	<u>10 pts</u>	<u>10.5 pts</u>	<u>11 points</u>
Bench Press (% body weight)	55.3%	59.7%	64%	68.5%	≥ 73%
Sit ups (repetitions)	13	16	18	-----	≥ 18
300 meter run (seconds)	68	67	65	-----	≤ 65
Push ups (repetitions)	14	17	20	23	≥ 25
1.5 mile run (min:sec)	17.56	17:54	17:12	16:44	≤ 16:15

Rating Point Value: A total of fifty-five (55) points possible.

**RECESSED MEETING JUNE 1, 2016**  
**ORDINANCE NO. 71, 2016 CONTINUED**

**8.4 ANNUAL MEDICAL EXAMINATION:**

Effective July 1, 1994, sworn officers of the Department shall receive a comprehensive yearly medical examination at no cost to the officer. This examination will be provided by a physician selected by the City. Participation in this program for officers hired prior to July 1, 1994, is voluntary.

Each sworn officer employed after July 1, 1994, is required to participate in the yearly medical examination. Results of the individual medical examinations are confidential and will not be reported to the City. Medical concerns identified by the physician will be referred to the officer for follow-up with his/her personal physician.

**SECTION 9. WRITTEN EXAMINATION**

Within a reasonable time after the closing date for receiving applications, applicants who have returned applications in a timely manner with all required documentation attached and who meet the prerequisite requirements of Section 4 of this ordinance, shall be administered a written examination to determine the ability of each applicant for the position to be filled, covering, but not limited to, the following:

- (a) knowledge of and ability to read, write, and understand the English language;
- (b) ability to observe and recall information, facts, and characteristics relevant to the duties of the position applied for;
- (c) ability to understand and follow directions correctly; and
- (d) general comprehension and knowledge.

Passing grade for such written examination shall be minimum score of seventy percent, i.e. (70%). The point values of indicated ratings for the written examination shall be thirty-five (35) points for a score of 70, thirty-five and one-half (35.5) for a score of 71, continuing up to and including 100 percent with the highest possible score being fifty (50) points:

PERCENTILE	100	99	98	...	72	71	70
POINT VALUE	50	49.5	49	...	36	35.5	35

**SECTION 10. SUITABILITY SCREENER, PERSONAL BACKGROUND INVESTIGATION AND POLYGRAPH EXAMINATION**

If not disqualified by reason of any required prior examination and evaluation, the applicant shall be subject to a suitability screener and polygraph examination conducted by the Kentucky Law Enforcement Council; and a comprehensive personal background investigation which shall be conducted by the Chief of Police or his appointed agent.

**10.1 SUITABILITY SCREENER**

If not disqualified by reason of any required prior examination and evaluation, the applicant shall submit to suitability screening consistent with the Peace Officer Professional Standards and Certification Act. This screening measures a broad spectrum of abilities, personal characteristics, and related constructs such as integrity, conscientiousness, and vocational preference, which are relevant to job related duties. Overall, the test is designed to provide additional screening information to agency executives about an applicant's suitability or unsuitability to become a Kentucky peace officer.

**RECESSED MEETING JUNE 1, 2016**  
**ORDINANCE NO. 71, 2016 CONTINUED**

Applicant will be provided with web address and a password, and shall completely fill out the on-line Personal History Questionnaire (PHQ). Upon completing the PHQ, the applicant will print one copy for his/her file, one copy for the KLEC, and one copy for the Ashland Police Department. The applicant shall hand-carry the copy for the KLEC and the copy for the Ashland Police Department to the test site on the day of the suitability screening test. Information provided on this form should be current, not exceeding 60 days from the date of the applicant's signature. The applicant shall also submit a legitimate form of photo I.D. when reporting for the suitability screener.

There is no time limit for completing the suitability screener. Usually the test takes anywhere from two and one half to five hours to complete. So as not to feel rushed, the applicant is instructed not to schedule other activities on the day of the testing that would interfere with time required to complete the suitability screener.

Each applicant's completed suitability screening test is mailed to Law Enforcement Services, Incorporated (LESI) for review and analysis. The suitability report addresses findings in three (3) performance rating areas: intellectual ability; vocational preference and background; and, personality and psychological adjustment. At the end of the report is a final statement indicating the suitability or unsuitability of the applicant to become a Kentucky peace officer. If applicant is considered unsuitable, he/she will no longer be considered for the position.

**10.1(a) PSYCHOLOGICAL EVALUATION**

Appointment to police trainee or probationary police officer for a certified officer is made contingent upon the candidate successfully passing the suitability screener administered by the KLEC. This testing uses procedures that are valid, constructive, and nondiscriminatory. Candidates will also be screened by a qualified professional psychologist or psychiatrist who will provide a report to the Chief of Police on the candidate's fitness for duty.

**10.2 PERSONAL BACKGROUND INVESTIGATION**

The Chief of Police or his appointed agent shall contact references indicated on the application and on the PHQ and personal evaluations of the applicant shall be noted by the Chief of Police or his appointed agent.

Further investigation shall be made relating to the applicant's:

- (a) educational background;
- (b) past employment history;
- (c) personal background as such relates to the position applied for;
- (d) credit standing;
- (e) criminal records; and
- (f) any other relative information discovered during the course of investigation or which might relate to the applicant's qualification for the position applied for.

Such investigation shall be continued until all elements of the personal background investigation have been verified or disproved. The Chief of Police or his appointed agent shall prepare a written record of all findings which shall be reviewed and evaluated. The Chief of Police shall make a recommendation to the City Manager as to the applicant's fitness for the position applied for.

**10.3 POLYGRAPH**

Consistent with the implementation of the Peace Officer Professional Standards and Certification Act, each applicant shall be required to complete a polygraph examination which shall be conducted by a polygraph examiner provided by the KLEC. The polygraph examiner will prepare a report to the Chief of Police.

**SECTION 11. ORAL INTERVIEW AND EVALUATION**

Upon having satisfactorily met requirements prior to the oral interview as set forth in this ordinance, the applicant shall meet with the Chief of Police or his designee, the Human Resources Director or his/her designee, and a career status police officer for the purpose of submitting to an oral interview in order that those conducting the interview may better ascertain the applicant's qualification for the position of Police Officer and of the applicant's probability of completing all training established by the Kentucky Justice Cabinet, DOCJT, and applicant's probationary period of employment.

**RECESSED MEETING JUNE 1, 2016**  
**ORDINANCE NO. 71, 2016 CONTINUED**

Persons conducting the interviews of applicants shall have at their disposal the results of all investigations, PHQ, employment application and documents attached thereto. The officer conducting the background investigation shall be present during the oral interview and evaluation. The interview allows a maximum of thirty (30) points. There is no minimum; however, each interviewer shall mark candidates as *acceptable* or *not acceptable*. The City Manager may review the interview sheets of candidates marked *not acceptable* by a majority of the interviewers. Unless the City Manager overrules the *not acceptable* recommendations for just cause, no such candidate shall be recommended for hire. A copy of the interview sheet is attached hereto.

**SECTION 12. EDUCATION**

The Police Chief, or the City Manager, together with the Human Resources Director shall assign points after a comparison with the educational requirements of the job description. Minimum requirement is six points.

<b>Qualifications</b>	<b>Points</b>
Generally meets requirements	6 (minimum required)
Meets most requirements	7
Meets all requirements	8
Exceeds requirements (job related)	9
Greatly exceeds (job related)	10

**SECTION 13. EXPERIENCE**

The Police Chief, or the City Manager, together with the Human Resources Director shall assign points after comparing experience with the job description. Minimum requirement is six points.

<b>Qualifications</b>	<b>Points</b>
Generally meets requirements	6 (minimum required)
Meets most requirements	7
Meets all requirements	8
Exceeds requirements (job related)	9
Greatly exceeds (job related)	10

**SECTION 14. RESIDENCE POINTS**

Any candidate who is an Ashland resident, or an immediately previous resident who is a full time out of town student or member of the U.S. military, shall receive five (5) points. There are no points for county, region or state residency.

The Police Chief, or the City Manager, together with the Human Resources Director shall assign points.

**SECTION 15. MILITARY SERVICE**

Five (5) points shall be added to the total score for each candidate who has served a minimum of two (2) years in any branch of the U. S. military and received an honorable discharge.

The Police Chief, or the City Manager, together with the Human Resources Director shall assign points.

**SECTION 16. ELIGIBILITY LIST**

Based upon total scores for all phases of the employment process described herein, applicants shall be placed upon an eligibility list in the order of highest point value earned to lowest point value earned. The Chief of Police may interview the top three applicants on the eligibility list, or may elect to review the information for each of the top three applicants, and recommend one of the applicants for employment to the City Manager, who may recommend the applicant to the Board of City Commissioners. The Chief of Police shall have access to all employment information for use during the interview.

**RECESSED MEETING JUNE 1, 2016**  
**ORDINANCE NO. 71, 2016 CONTINUED**

The eligibility list shall remain effective for one (1) year from the date the first appointment is made or until the City Manager, in his discretion, determines that a new hiring list should be created, whichever is shorter. Thereupon, a new application process begins. Qualified applicants listed on the eligibility list shall be recommended for employment from time-to-time in the same manner as described above, as vacancies occur in the Ashland Police Department. Notices to applicants placed on the eligibility list shall advise them of establishment of the eligibility list and that the list may remain in force for a one-year period. To qualify for the eligibility list, the applicant shall agree to affirmatively notify the City of any change of circumstances, personal information or facts stated on the application. The name of an applicant shall be removed from the eligibility list after appointment to a position, or after refusing an appointment to a position, or after it becomes known that an applicant has engaged in fraud or made a misstatement of material fact on the application, PHQ, or other pre-employment document, or after the list has expired, or after the City Manager determines a new list be created. Departmental seniority shall be determined first by date of appointment and then by total point score in the employment process.

During the year the roster remains in effect, candidates may be required to retest certain phases of the Peace Officers Professional Standards as some tests expire one year after the original test date. The Chief of Police will determine if any test(s) require an update prior to making a recommendation to the City Manager.

**SECTION 17. RECOMMENDATION AND SELECTION**

Upon receipt of the Chief of Police recommendation provided in Section 16, the City Manager shall present to the Board of Commissioners his recommendation for a conditional offer of employment as a police trainee or probationary police officer(s). The Board of Commissioners shall approve or disapprove the City Manager's recommendation. When approved, the applicant(s) must then submit to a comprehensive medical examination as written in Section 18 of this ordinance. If the applicant(s) successfully completes the required medical examination, he/she shall proceed to the next step in the probationary process. When the applicant(s) given the conditional offer of employment does not successfully complete the medical, polygraph, and/or background, the conditional offer of employment shall be withdrawn and the applicant(s) shall no longer be considered for employment. The Chief of Police shall select from the next three applicant(s) on the eligibility list and recommend one of the applicants for employment to the City Manager, who may recommend the applicant to the Board of Commissioners for its approval or disapproval of a conditional offer of employment. This process shall continue until qualified applicants have met all requirements, the eligibility list has been depleted or has expired, or a decision is made not to fill the position.

**SECTION 18. MEDICAL EXAMINATION AND QUALIFICATIONS**

If not disqualified by reason of any prior required examination and evaluation, each applicant shall submit to a medical examination by a qualified physician selected by the City who shall evaluate the applicant's medical history to determine the applicant's ability to perform essential job functions for the position of police officer.

The required medical pre-placement examination will include a medical history, complete physical examination, and will include, but is not limited to, the following tests:

1. Chest x-ray
2. Electrocardiogram
3. Audiometric exam
4. Pulmonary function studies
5. Visual acuity testing
6. CBC, blood chemistry profile and HIV testing
7. TB skin unless history of previous positive testing
8. Urine drug screen

**RECESSED MEETING JUNE 1, 2016**  
**ORDINANCE NO. 71, 2016 CONTINUED**

The findings of the medical history/physical examination, and the preceding listed tests, should be compatible with performance of the mental and physical demands as listed in the job description and meeting standards as established by KLEC and P.O.P.S. Medical Screening. The KLEC/P.O.P.S. Medical Screening Guidelines Implementation Manual is attached as Addendum B.

Conditions which are of questionable etiology are to be referred to the employee's personal physician for further evaluation prior to any medical clearance being issued. The results and diagnosis from an employee's personal physician may be utilized in determining the fitness for placement.

Placement of any employee whose condition or history indicates other than normal health should not put the employee, fellow workers, or the public at any increased risk of injury or health detriment.

The examiner shall express his opinion in writing as to whether or not the applicant is physically fit for duty as a police officer.

**THE FOLLOWING SECTIONS RELATE TO THE REQUIREMENTS DURING THE PERIOD PRIOR TO APPOINTMENT AS A CAREER STATUS POLICE OFFICER**

**SECTION 19. AGREEMENT**

A newly hired police trainee/probationary police officer shall agree to and sign the attached repayment agreement. See ADDENDUM A.

**SECTION 20. OATH REQUIRED**

Upon graduation from the Department of Criminal Justice Training's Basic Training Academy and prior to performing the duties as a police officer, police recruits shall be administered the statutory oath of office by a person authorized to administer such oaths. The officer must be a resident of the Commonwealth of Kentucky at the time the oath is administered.

Any recruit that currently holds a valid Peace Officers Professional Standards Certification and is employed by the City of Ashland as a police officer, prior to commencement of such duties, shall be administered the statutory oath of office by a person authorized to administer such oaths. The officer must be a resident of the Commonwealth of Kentucky at the time the oath is administered.

**SECTION 21. ORIENTATION AND PROCESSING OF NEWLY APPOINTED POLICE OFFICERS**

Newly appointed members of the Department of Police shall report to the Chief of Police, at the Chief's request, for orientation and processing. Orientation and processing shall include an offer for each new member to receive the series of inoculations protecting him from the Hepatitis B virus (HBV) and DOCJT mandatory online training. Each member electing to receive the vaccinations shall begin the series of vaccinations prior to departure to basic police training with subsequent vaccinations as scheduled by the Boyd County Health Department.

**SECTION 22. PROBATIONARY APPOINTMENT**

Each newly appointed member shall enter City service as either a police trainee or a probationary police officer and shall serve as such for the probationary period of one (1) year, as hereinafter prescribed, with all pay, benefits and allowances pertinent thereto. The one (1) year probationary period begins at the time the trainee is sworn in as a probationary police officer.

Each police officer shall perform, to the best of his/her ability, all assigned duties and shall be subject to the same disciplinary measures as every other member of the Ashland Police Department, including, but not limited to, written or oral reprimand, suspension, and termination of employment as provided in Section 27 of this ordinance.

**SECTION 23. BASIC POLICE TRAINING COURSE REQUIRED**

Each police trainee shall attend and successfully complete the course of instruction designed as a Basic Police Training Course and taught by the Kentucky Justice Cabinet, DOCJT, within one (1) year of the date of appointment pursuant to KRS 95.955. There shall be no expense to such member for the course of instruction.

**RECESSED MEETING JUNE 1, 2016**  
**ORDINANCE NO. 71, 2016 CONTINUED**

Failure to successfully complete training by:

failing a test and re-test,

failing to successfully complete the comprehensive examination at the conclusion of basic training, or

failing to adhere to Department of Criminal Justice Training rules and regulations, codes of conduct and any disciplinary action resulting in the trainee not being able to complete the basic training course, and

failing to meet entry or exit level physical fitness standards, shall result in termination of employment of such member.

**SECTION 24. PERFORMANCE OF DUTIES DURING PROBATIONARY PERIOD**

Each probationary employee shall perform his/her duties in the presence of a career status police officer who shall be assigned by the Chief of Police as his/her coach-adviser for the duration of such police officer's field training period.

Thereafter, during the final months of his probationary period of employment, such probationary police officer may perform all duties inherent to the rank of career status police officer under the guidance of, but not necessarily in the presence of, his/her coach adviser.

**SECTION 25. ASSIGNMENT OF COACH-ADVISER TO PROBATIONARY POLICE OFFICER**

A coach-adviser of the rank of career status police officer shall be assigned to each probationary police officer. The coach-adviser shall instruct, demonstrate and assist the probationary police officer to whom he/she is assigned in all aspects of related duties including, but not limited to, the following:

1. familiarization with the rules and regulations, report systems, general orders and directives;
2. use and care of City equipment, including vehicles;
3. proper use and care of personal equipment and uniforms;
4. departmental procedures;
5. conduct, on and off duty;
6. pro-active patrol
7. arrest, court and radio procedures;
8. driving and investigation techniques;
9. traffic control and procedure;
10. vice control;
11. juvenile laws and procedures; and
12. citizen complaints.

**RECESSED MEETING JUNE 1, 2016**  
**ORDINANCE NO. 71, 2016 CONTINUED**

Such coach-adviser shall file with the probationary police officer's team commander progress and evaluation reports, in writing, on forms provided, which will assist the team commander in evaluating the probationary member for final release to regular assignments. The police officer training coordinator shall file periodic evaluation reports of the probationary member with the Field Operations Division Commander, who shall advise the Chief of Police of the probationary member's progress.

**SECTION 26. EMPLOYEE EVALUATION REPORTS (EER) - EFFECT ON CAREER STATUS**

Employee Evaluation Reports, endorsed by the probationary police officer's coach-adviser, duty sergeant, team commander, police officer training coordinator, division commander, and the Chief of Police are required before any change of status (i.e., from probationary to career status) is approved. Such evaluation reports shall be forwarded to the Chief of Police:

1. at the conclusion of the police trainee's formal schooling at the Kentucky Department of Criminal Justice Training. This Employee Evaluation Report shall be completed by and should include recommendation for advancement to probationary police officer. Employee Evaluation Reports will then be completed every month for the first three months and every three months thereafter throughout the probationary period of the employee;
2. KENTUCKY CERTIFIED PEACE OFFICERS not required to attend the Kentucky Department of Criminal Justice Basic Training Academy and entering directly into the Ashland Police Department Police Training Officer Program shall have Employee Evaluation Reports completed every month for the first three months and every three months thereafter throughout the probationary period of the employee.

**SECTION 27. TERMINATION OF EMPLOYMENT DURING PROBATIONARY PERIOD OF EMPLOYMENT**

Following the provisions of KRS 95.450, a probationary police officer may be terminated from employment at any time during his/her first year of employment at the recommendation of the Chief of Police, with approval of the City Manager and the Board of Commissioners, for any valid reason, including, but not limited to, the following:

1. Inability to perform duties in a progressive manner;
2. Physical or emotional incapacity;
3. Inability to assimilate education and training;
4. Conduct unbecoming an officer;
5. Public drunkenness, on or off duty;
6. Improper or illegal use of vehicle and equipment;
7. Consorting or associating with known criminals, except in line of duty;
8. Insubordination;
9. Negligence or incompetence;
10. Any reason which demonstrates member's undesirable character or lack of integrity; or
11. Any other reason which reflects negatively or with dishonor on the City of Ashland or its Department of Police.

**SECTION 28. CAREER STATUS APPOINTMENT**

Upon the satisfactory completion of one (1) year of service with the Ashland Police Department of the City of Ashland as a probationary police officer pursuant to the terms and conditions set forth in this ordinance, and upon the recommendation of the Chief of Police, and with the approval of the City Manager, such probationary police officer may be awarded career status with all pay, benefits and allowances pertinent thereto.

**RECESSED MEETING JUNE 1, 2016**  
**ORDINANCE NO. 71, 2016 CONTINUED**

**SECTION 29. SEVERABILITY OF TERMS**

Should any section, subsection, sentence, clause or phrase of this ordinance be held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect any other portion of this ordinance, it being the intention of the Board of Commissioners to enact this ordinance section by section, subsection by subsection, and all sentences, clauses or phrases hereof independently of any other section, subsection, sentence, clause or phrase.

**SECTION 30. REPEAL OF CONFLICTING ORDINANCES**

All ordinances and parts of ordinances in conflict herewith, including Ordinance No. 50 series of 2015, are hereby repealed.

**SECTION 31. EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its adoption, re-adoption and publication, as required by law.

**SECTION 32. SUMMARY PUBLICATION AUTHORIZED**

It is hereby authorized that publication of this ordinance be in summary form.

/s/CHUCK D. CHARLES  
MAYOR

ATTEST:

/s/SUSAN MADDIX  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: May 26, 2016  
READOPTED BY THE BOARD OF COMMISSIONERS: June 1, 2016  
PUBLISHED:

**MOTION**

Motion was made by Brown, seconded by Gute, to adopt Ordinance No. 71, 2016, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson, Gute and Mayor Charles. Nay – none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 72, 2016**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, CHANGING THE REGULARLY SCHEDULED MEETING TIME OF THE ASHLAND BOARD OF CITY COMMISSIONERS SET BY ORDINANCE NO. 55, SERIES OF 2013, FROM THURSDAY, JUNE 9, 2016 AT 12:00 NOON TO THURSDAY, JUNE 9, 2016 AT 10:00 AM.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the regularly scheduled meeting for the Ashland Board of City Commissioners for June 9, 2016 set by Ordinance No. 55, Series of 2013, is hereby changed from 12:00 NOON to 10:00 AM.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

**RECESSED MEETING JUNE 1, 2016**  
**ORDINANCE NO. 72, 2016 CONTINUED**

/s/CHUCK D. CHARLES  
MAYOR

ATTEST:

/s/SUSAN MADDIX  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: May 26, 2016  
READOPTED BY THE BOARD OF COMMISSIONERS: June 1, 2016  
PUBLISHED:

**MOTION**

Motion was made by Gute, seconded by Brown, to adopt Ordinance No. 72, 2016, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson, Gute and Mayor Charles. Nay – none. Motion passed.

**EXECUTIVE SESSION**

Motion was made by Gute, seconded by Brown, to go into Executive Session at 8:35 AM to discuss individual personnel matters which is conducting interviews for the Ashland Police Department Chief of Police. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson, Gute and Mayor Charles. Nay – none. Motion passed.

**RECESS OF EXECUTIVE SESSION**

The meeting recessed at 12:00 Noon until 1:00 PM.

**RECONVENED FROM RECESS**

The meeting reconvened at 1:00 PM for the continuation of interviews for the position of Chief of Police for the Ashland Police Department.

**RECONVENED FROM EXECUTIVE SESSION**

The meeting reconvened from Executive Session at 3:05 PM and Mayor Charles announced the only items discussed were individual personnel matters with no final action taken.

**RECESS**

Mayor Charles declared the meeting recessed at 3:05 PM until 10:00 AM on Thursday, June 2, 2016.

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CHUCK D. CHARLES  
MAYOR

ATTEST:

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SUSAN MADDIX  
CITY CLERK