

Approval of Architectural/Engineering Services for the Utilities Department Administration Office and Garage Complex

On motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve Architectural/Engineering Services for the Utilities Department Administration Office and Garage Complex, see resolution 10-01.26.c

Mr. Vogel stated his office has completed a Phase 1 design process, and now needs to proceed to the second phase, which would involve determining the best type of structure to build – one or two story. Commissioner Myers asked if a decision had already been made relative to that, and Mr. Vogel stated it has not, and that he would bring a final recommendation to the Board for their approval prior to any final determination being made.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Jon Myers, Judith Shupe and Mike Kiger

Approval to Rescind resolution 10-01.19.x, approval to Amend Certificate & request for appropriations for receipts – Fund 2709 - Sheriff

On motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to Rescind resolution 10-01.19.x, approval to Amend Certificate & request for appropriations for receipts – Fund 2709 – Sheriff, see resolution 10-01.26.d

Roll call vote of the motion resulted as follows:

Voting aye thereon: Jon Myers, Judith Shupe and Mike Kiger

Approval of the Quarterly Report for the 2009 OCJS Grant Award for the Major Crimes Unit

On the motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve the Quarterly Report for the 2009 OCJS Grant Award for the Major Crimes Unit, see resolution 10-01.26.e

Roll call vote of the motion resulted as follows:

Voting aye thereon: Judith Shupe, Jon Myers and Mike Kiger

Approval to Rescind resolution 10-01-19.aaa, Approval to appropriate from unappropriated, EMPG Special Projects

On the motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve to Rescind resolution 10-01-19.aaa, Approval to appropriate from unappropriated, EMPG Special Projects, see resolution 10-01.26.f

Roll call vote of the motion resulted as follows:

Voting aye thereon: Judith Shupe, Jon Myers and Mike Kiger

Approval of Appointment of Dr. Glenn Burns to the Fairfield County Airport Authority Board

On motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve the appointment of Dr. Glenn Burns to the Fairfield County Airport Authority Board, see resolution 10-01.26.g.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Jon Myers, Judith Shupe and Mike Kiger

Approval of Agreement between the Fairfield County Commissioners and Brian Varney, M.D. for medical services at the Fairfield County jail facilities

On the motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve an Agreement between the Fairfield County Commissioners and Brian Varney, M.D. for medical services at the Fairfield County jail facilities, see resolution 10-01.26.h

Roll call vote of the motion resulted as follows:
Voting aye thereon: Judith Shupe, Jon Myers and Mike Kiger

Approval of Engineer's resolutions

On motion of Judith Shupe and second of Jon Myers the Board of Commissioners voted to approve resolutions for the Engineer as follows:

10-01.26.i Approval of Acceptance of right of entry and agreement - Engineer

10-01.26.j Approval of Change Order for the BLO-31 FAI-CR39-0.408 Lithopolis Road NW over a Tributary to Walnut Creek Bridge Replacement Project - Engineer

10-01.26.k Approval of Advertising for the FAI-CR9/13/23/TR221/223 ARRA Resurfacing project - Engineer

Roll call vote of the motion resulted as follows:
Voting aye thereon: Judith Shupe, Jon Myers and Mike Kiger

Approval of Then and Now resolutions

On the motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve Then and Now resolutions as follows:

10-01.26.l Approval of payment of a voucher without an appropriate carry over purchase order – Auditor Indigent Defense Fund

10-01.26.m Approval of payment of a voucher without an appropriate carry over purchase order - Commissioners

10-01.26.n Approval of payment of a voucher without an appropriate carry over purchase order - Commissioners

10-01.26.o Approval of payment of a voucher without an appropriate carry over purchase order – Dog & Kennel Fund

10-01.26.p Approval of payment of a voucher without an appropriate carry over purchase order – Economic Development

10-01.26.q Approval of payment of a voucher without an appropriate carry over purchase order - Sheriff

10-01.26.r Approval of payment of a voucher without an appropriate carry over purchase order - Sheriff

10-01.26.s Approval of payment of vouchers without appropriate carry over purchase orders - JFS

10-01.26.t Approval of payment of vouchers without appropriate carry over purchase orders - ADAMH

Roll call vote of the motion resulted as follows:
Voting aye thereon: Jon Myers, Judith Shupe and Mike Kiger

Approval of repayment of an advance to the General Fund – EMA Fund 2723 SHSP

On the motion of Judith Shupe and second of Jon Myers the Board of Commissioners voted to approve the repayment of an advance to the General Fund – EMA Fund 2723 SHSP, see resolution 10-01.19.u

Roll call vote of the motion resulted as follows:

Voting aye thereon: Judith Shupe, Jon Myers and Mike Kiger

Approval of new Grant Fund for the Emergency Management Agency for Capital Improvement EMA Renovations

On the motion of Jon Myers and second of Judith Shupe the Board of Commissioners voted to approve a new Grant Fund for the Emergency Management Agency for Capital Improvement EMA Renovations, see resolution 10-01.26.v

Roll call vote of the motion resulted as follows:

Voting aye thereon: Jon Myers, Judith Shupe and Mike Kiger

Approval of Reduction in appropriations in the Prosecutor's Office Victim/Witness Assistance Division Fund 2686

On the motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve a Reduction in appropriations in the Prosecutor's Office Victim/Witness Assistance Division Fund 2686, see resolution 10-01.26.w

Roll call vote of the motion resulted as follows:

Voting aye thereon: Jon Myers, Judith Shupe and Mike Kiger

Approval of Financial Resolutions

On the motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve financial resolutions as follows:

- 10-01.26.x Approval to Amend Certificate, update receipts to reduce estimated revenue – Fund 1050 Prosecutor FOJ
- 10-01.26.y Approval to Amend Certificate, update receipts to reduce estimated revenue Sheriff Fund 1025 FOJ
- 10-01.26.z Approval to Amend Certificate, update revenue budget & Appropriate from Unappropriated – Fund 2765 MCU Drug Law Enforcement Grant
- 10-01.26.aa Approval to Amend Certificate, update receipts to increase estimated revenue – Fund 7026 – Soil & Water
- 10-01.26.bb Approval to Amend Certificate – Prosecutor Victim/Witness Assistance Fund 2742
- 10-01.26.cc Approval to Amend Certificate & request for appropriations for additional unanticipated receipts - FACFC
- 10-01.26.dd Approval to Amend Certificate & request for appropriations for additional unanticipated receipts - FACFC
- 10-01.26.ee Approval of fund to fund transfer - MCU
- 10-01.26.ff Approval of fund to fund transfer – MCU Project Income Fund 2764

10-01.26.gg	Approval of fund to fund transfer – MCU Federal Equitable into 2765 FY2010 MCU Drug Law Enforcement Grant
10-01.26.hh	Approval of account to account transfer – Fund 2764 FY2010 MCU
10-01.26.ii	Approval of account to account transfer – Fund 7594 MCU
10-01.26.jj	Approval of account to account transfer – Airport
10-01.26.kk	Approval of account to account transfer – Adult Probation
10-01.26.mm	Approval of account to account transfer & request to appropriate from unappropriated – Adult Probation
10-01.26.nn	Approval of account to account transfer – FACFC
10-01.26.oo	Approval of account to account transfer – Sheriff CCW Account
10-01.26.pp	Approval of account to account transfer – MCU Drug Law Enforcement Grant
10-01.26.qq	Approval to Appropriate from Unappropriated – Juvenile Court
10-01.26.rr	Approval to Appropriate from Unappropriated – Regional Planning
10-01.26.ss	Approval to Appropriate from Unappropriated – BDD
10-01.26.tt	Approval to Appropriate from Unappropriated – BDD
10-01.26.uu	Approval to Appropriate from Unappropriated – Economic Development
10-01.26.vv	Approval to Appropriate from Unappropriated – FEMA
10-01.26.ww	Approval to Appropriate from Unappropriated – Engineer
10-01.26.xx	Approval to Appropriate from Unappropriated – EMPG Special Projects
10-01.26.yy	Approval to Appropriate from Unappropriated – Adult Probation
10-01.26.zz	Approval to Appropriate from Unappropriated – FY2008 SHSP
10-01.26.aaa	Approval to Appropriate from Unappropriated – FY2009 MCU Fund

Roll call vote of the motion resulted as follows:

Voting aye thereon: Judith Shupe, Jon Myers and Mike Kiger

Approval of Authorization for payment of bills, January 26, 2010, check date January 29, 2010

On the motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve authorization for payment of bills, January 26, 2010, check date January 29, 2010, see resolution 10-01.26.bbb

Roll call vote of the motion resulted as follows:

Voting aye thereon: Jon Myers, Judith Shupe and Mike Kiger

Approval of financial resolutions

On the motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve financial resolutions as follows:

10-01.26.ccc Approval to Appropriate from Unappropriated – Engineer

10-01.26.ddd Approval to Appropriate from Unappropriated – FACFC

Mr. Zody explained that these particular resolutions were added on late the previous day, and the following group of resolutions were added on this morning, with all but the first one being financial in nature.

Roll call vote of the motion resulted as follows:

Voiting aye thereon: Judith Shupe, Jon Myers and Mike Kiger

Approval of Update to the District Solid Waste Management Plan

On the motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve an Update to the District Solid Waste Management Plan, see resolution 01-10.26.eee.

Roll call vote of the motion resulted as follows:

Voiting aye thereon: Judith Shupe, Jon Myers and Mike Kiger

Approval of financial resolutions

On the motion of Jon Myers and second of Judith Shupe, the Board of Commissioners approved financial resolutions as follows:

01-10.26.fff Approval to appropriate from unappropriated – Prosecutor

01-10.26.ggg Approval to appropriate from unappropriated – Law Library/Commissioners

01-10.26.hhh Approval to appropriate from unappropriated – Probate Court

01-10.26.iii Approval of Account to Account transfer – JFS/Child Support Enforcement

01-10.26.jjj Approval to appropriate from unappropriated – Juvenile Court

01-10.26.kkk Approval of Account to Account transfer – ADAMH

01-10.26.lll Approval of Account to Account transfer – FACFC

01-10.26.mmm Approval to appropriate from unappropriated – Common Pleas

Review Session

The Board of Commissioners met to review legal issues, correspondence, and pending and future action items. Commissioners present were Judith Shupe, Jon Myers and Mike Kiger. Also present were Carl Burnett, Aundrea Cordle, Jon Kochis, and Scott Zody.

Commissioner Kiger stated that he has spoken with Ted Abbott to see if he would be willing to temporarily take over as Facilities Manager while the Board seeks to permanently fill the position. Mr. Abbott would follow up with Commissioner Kiger by the end of the week or early next week.

Commissioner Myers stated that Roy Hart would be coming up in the afternoon to discuss Health Department merger issues with the Board.

Commissioner Shupe stated she is concerned about the Department of Health building that the Commissioners transferred to the Health Board to use and maintain. If the City of Lancaster would follow through with their plans to de-merge, they would still need to pay their fair share of the maintenance costs.

10:30 a.m. Meeting with Jon Kochis

The Board of Commissioners met with Emergency Management Director Jon Kochis to discuss the county Reverse 911 project. Commissioners present were Mike Kiger, Jon Myers and Judith Shupe. Also present were Carl Burnett, Aundrea Cordle, and Scott Zody.

Mr. Kochis stated that he has been working with 21st Century Communications on developing a Reverse 911 system. The system has been approved and would allow everyone to be contacted through a phone call, email or text message for an emergency situation, whether it would be countywide or localized. Mr. Kochis explained the system could also conduct internal contacts for county employees in the event the Commissioners would decide to close facilities in a weather emergency.

Commissioner Shupe asked what the cost of the system would be, and Mr. Kochis stated that he has grant funding that would cover the first 2 years cost, with a cap on usage – any overage would require additional payment that would have to be covered by the General Fund.

Commissioner Shupe asked what the usage prices would be, and Mr. Kochis stated that text messages are \$.20 each, and phone calls are \$.059 each, and emails are free. Commissioner Kiger asked what the difference is between an email and a text message, and Mr. Kochis stated they are delivered in different formats, and the email is not as reliable as a text. Commissioner Kiger asked if the usage is charged by the minute, and Mr. Kochis stated it is charged for every 6 seconds per the length of the message.

Mr. Kochis explained the service contract will cover up to 50,000 call minutes, and there can be up to 5 subgroups established for calls. Commissioner Myers asked if the Commissioners decided to close a building or buildings, would the Commissioners be able to send out a message to employees informing them of the closure, and Mr. Kochis stated that is exactly what the system is designed to do. Commissioner Shupe asked if Mr. Kochis had all the phone numbers he needed, and Mr. Kochis stated they can obtain all the land line numbers they need through AT&T, but cell phone numbers must be given voluntarily

Mr. Kochis stated that he needs to know who would be the primary contact for the county to initiate a call back, and Commissioner Shupe stated the Board President is the one who would make that call under the emergency closure policy, and Commissioner Myers pointed out that the Facilities Manager makes a recommendation to the Board/Board President.

Mr. Kochis suggested EMA could record the message and send, or Mr. Zody could do so once the Board/Board President approves. Mr. Kochis stated there will be a kick-off meeting on February 9th, and he would like to discuss the subject at next week's Roundtable meeting with the elected officials. Commissioner Myers stated he would agree to designate Mr. Kochis to initiate the calls once the Board/President makes a decision, and the Board agreed to do that. Commissioner Myers stated Mr. Zody could act as the back up person in the event Mr. Kochis is unable to record and send the call.

Mr. Kochis stated the Board would also need to consider what to do 2 years down the road when the grant funding expires and assign costs accordingly. Commissioner Myers asked what the annual cost for the system would be, and Mr. Kochis stated the cost is \$12,500. Commissioner Shupe asked if that included the phone costs, and Mr. Kochis stated usually whoever would initiate the call would pay for it. Franklin County has the system, and they can contact 37,000 people in 10 minutes.

Mr. Kochis stated the text message feature would also have to be voluntary, as cell phone numbers can't be purchased – only voluntarily released by the number holder.

Mr. Zody asked who would be responsible for updating the phone number database, and Mr. Kochis stated AT&T would do that as part of the purchase agreement for home numbers. Commissioner Myers asked how a partial closure would be handled, and Mr. Kochis stated the Board could break the calls down to facilities of only one or a few would close.

Commissioner Shupe stated the elected officials would need to be separated from the department heads, and the Commissioners are responsible for the buildings and the decision to close them.

Review, cont.

Commissioner Myers stated that he had participated in a meeting with the Health Department and City of Lancaster on Monday to discuss the future of the district, and Roy Hart would be meeting with the Commissioner later in the afternoon to discuss.

Staci Krisley joined the meeting to review an issue relative to sick and vacation leave payouts. Ms. Krisley stated that the Auditor's Office is requesting that all sick and vacation leave payouts be paid out of the appropriate line item in each agency's budget in order for those costs to be accurately tracked. In addition, the Auditor has asked for an appropriation to cover the sick and vacation leave payout for an employee who is retiring at the end of the month, but Ms. Krisley recommends having that paid out of existing salary funds as it is only the first month of the budget year. The Board concurred and advised Ms. Krisley to inform the Auditor to cover those costs with existing funds. Ms. Cordle stated that at JFS they always review existing resources to ensure the payout can be made, and would hold off refilling the position until there are sufficient funds to cover the remaining salary obligations.

Commissioner Shupe asked if Ms. Cordle was aware of some upcoming Bureau of Workers' Compensation training and Ms. Cordle stated she was and her office is planning to participate in the training. Ms. Cordle stated that one item that she would like to review at next week's Roundtable is the issue of changing the chargeback for Workers' Compensation premiums to a claims-based charge rather than based on payroll. This would provide agencies with an incentive to keep their claims down.

Executive Session

On the motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to enter into Executive Session at 10:54 a.m. for the purpose of personnel discussions. Commissioners present were Jon Myers, Judith Shupe and Mike Kiger. Also present were Aundrea Cordle and Scott Zody.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Jon Myers, Judith Shupe and Mike Kiger

On the motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to adjourn from Executive Session at 11:09 a.m.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Jon Myers, Judith Shupe and Scott Zody

No official actions were taken

11:00 a.m. Public Hearing – Pleasantville-Gun Barrel Road Improvement Project

The Board of Commissioners convened a public hearing on the Pleasantville – Gun Barrel Road Improvement Project. Commissioners present were Judith Shupe, Jon Myers and Mike Kiger. Also present were Deputy Engineer Jeff Baird, Richland Township Trustees Brian Oliver and Brad Markwood, Carl Burnett and Scott Zody.

Mr. Baird provided an overview of the project, stating the intersection is very dangerous and sight distances need to be improved for safety, the ditches need to be improved for drainage, and Gun Barrel Road will be widened for approximately 500 feet to also improve safety. The improvement would be a joint project between the Engineer and Richland Township, and no opposition has been noted.

Commissioner Kiger asked what the timeline would be to complete the project, and Mr. Baird stated he believes the project would take approximately 8-10 weeks to complete, and the Engineer hopes to submit an Ohio Public Works Commission grant application for funding this fall and initiate construction in 2011.

On the motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to close the hearing.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Jon Myers, Judith Shupe and Mike Kiger

Review, cont.

Executive Session

On the motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to enter into Executive Session at 11:20 a.m. to discuss pending litigation. Commissioners present were Jon Myers, Judith Shupe and Mike Kiger. Also present were Aundrea Cordle and Scott Zody

Roll call vote of the motion resulted as follows:

Voting aye thereon: Jon Myers, Judith Shupe and Mike Kiger

On the motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to adjourn from Executive Session at 11:23 a.m.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Jon Myers, Judith Shupe and Scott Zody

No official actions were taken

Executive Session

On the motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to enter into Executive Session at 11:24 a.m. to discuss personnel matters. Commissioners present were Jon Myers, Judith Shupe and Mike Kiger. Also present were Aundrea Cordle and Scott Zody

Roll call vote of the motion resulted as follows:

Voting aye thereon: Jon Myers, Judith Shupe and Mike Kiger

On the motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to adjourn from Executive Session at 11:29 a.m.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Jon Myers, Judith Shupe and Scott Zody

No official actions were taken

1:30 p.m. Meeting with Lou Varga

The Board of Commissioners met with Lou Varga to discuss planning for the annual State of the County event. Commissioners present were Mike Kiger, Jon Myers and Judith Shupe. Also present were Carl Burnett and Scott Zody.

Commissioner Shupe stated the Board would like to discuss how to break out the presentation. Commissioner Kiger stated he would like the presentation to be forward-looking, and Commissioner Myers stressed he would like to focus on positive aspects both past and future.

Commissioner Shupe suggested mentioning the pending relocation of the Emergency Management Agency and Prosecutor's Office to the Job & Family Services building, and Mr. Varga stated that many incremental positives can add up over the course of a year.

Commissioner Shupe stated that Commissioner Kiger would like to cover the EMA and the county telephony project, and she would like to discuss economic development and other county offices that the public may not be aware of, adding that agribusiness might also be good to mention, since the Chamber is focusing some attention on that.

Mr. Varga asked if the Drug Coalition work might be worth mentioning, and Commissioner Shupe stated that Fairfield County is facing a significant drug problem with heroin and prescription drugs right now, which impacts the cost of running the jail, housing and caring of prisoners, and has a trickle-down effect on the taxpayers.

Commissioner Myers stated the Board President usually handles the introductions, and Commissioner Shupe stated that Travis Markwood usually MC's the event. Commissioner Kiger stated the President typically recognizes all elected officials present as a group, and introduces the Commissioners Department Heads. Commissioner Myers stated that the President then usually introduces each segment conducted by the other Board members.

Commissioner Shupe asked if Commissioner Kiger wanted to pre-record all of his parts, and Commissioner Kiger stated that would be his preference, as that would avoid any on-stage mistakes. Commissioner Myers suggested that Commissioner Shupe could address the "present", he could discuss finances, and Commissioner Kiger could address the "future"

Mr. Varga suggested that Commissioner Kiger introduce the parts as they come on the screen. Commissioner Myers asked the other county elected officials who would participate should also record their comments, and Commissioner Shupe stated the Board members could cover those duties as part of their comments, or have the elected officials discuss their role in the themes that the Commissioners present, such as having the Sheriff focus on the drug problem.

Mr. Varga asked what the theme would be, and Commissioner Shupe stated the focus should be on areas that cost the county taxpayers dollars. Commissioner Myers suggested it might be focused on the costs involved with providing the citizens county services, and have Mr. Varga provide video they could build their comments around.

Commissioner Shupe stated they should tell the other elected officials what they need to focus their comments on, such as having the Clerk of Courts focus on how she helps bring business to the county.

Commissioner Myers suggested each Commissioner outline their own speaking points and fine tune a presentation based upon those, and Mr. Varga stated that sounded reasonable, and encouraged the Board to focus on "border-to-border" issues that affect all of the county.

Commissioner Myers asked if Mr. Varga intended to video some of the Board activities over the next few weeks to have some background, and Commissioner Kiger stated he

could work on his introductions of the problems facing the county. Commissioner Shupe asked which problems they should focus on, and Mr. Varga suggested starting with the drug problems, the jail, treatment options etc. and stated the Chamber is focusing more attention on the poverty challenges in the county, which is tied into the drug problem.

Mr. Varga stated it is important to identify the problem, the spend as much time as possible focusing on how the county is stepping up to address it, and discuss jail and prisoner medical costs, treatment costs, and the Board is exploring a day reporting center option.

Commissioner Shupe stated that financially they could pull in the Clerk of Courts, and Commissioner Myers suggested setting some time aside the following week for the Board to discuss and finalize outlines, noting that part of the problem is the economy and the state budget.

Mr. Varga asked if he should come to the Roundtable meeting to video, and Commissioner Myers stated he should, as Fairfield County is one of the few counties in the state that holds regular meetings with all elected officials and department heads.

Commissioner Shupe stated that is agribusiness is going to be a part of the presentation, she has an Extension Advisory Committee meeting the following night that would be good to video as well, but they should not try to tie in too many pieces.

Mr. Varga asked who should be included, and Commissioner Shupe suggested the Sheriff, Prosecutor, the Courts and Clerk of Courts. Mr. Varga asked if Shane Farnsworth should also be tied in for economic development, and Commissioner Kiger stated that would work, as Mr. Farnsworth could discuss proactive events. Commissioner Shupe suggested including the Clerk of Courts in that, and asked how it should all flow. Mr. Varga suggested having Commissioner Kiger define the challenge of providing services, and frame what it means. Commissioner Myers stated that Commissioner Shupe should start by defining the drug problem, and could talk both in person and intro video segments with the Sheriff, courts, etc.

Commissioner Shupe suggested informing the Sheriff to start preparing information and they could tie the Drug Court in as well. Mr. Varga stated all the courts – Municipal, Common Pleas, and Juvenile – have drug courts.

Commissioner Shupe stated they could also include Job & Family Services, as the drug problem affects that agency as well, and Commissioner Kiger cautioned that the Board can't include everything or everyone or it would become too long and complicated.

Mr. Zody suggested instead of having all three judges speak, perhaps one could speak on behalf of all, and Commissioner Shupe stated she could speak on behalf of the judges.

Commissioner Shupe stated the EMA and telephony pieces could be worked into the end, and asked where the fiscal piece would go, and Commissioner Myers stated that should be in the middle.

Mr. Varga stated the Board will need to work on what they would like the other elected officials to focus their message on, and suggested a theme of "Challenges of Providing Quality Countywide Services" for the presentation.

Review, cont.

Assistant County Prosecutor Roy Hart joined the Board of Commissioners to discuss the possible demerger of the County Health Department. Commissioners present were Mike Kiger, Jon Myers and Judith Shupe. Also present were Carl Burnett, Ed Laramée and Scott Zody.

Commissioner Myers stated that he and Mr. Hart attended a meeting Monday morning with the City of Lancaster and the Health Department to discuss the potential demerger of the Department, as Pickerington pulled out effective January 1, 2010, and Lancaster has indicated it may pull out at the end of 2010. The Health Department is seeking information/feedback on whether the county is interested in taking back the health Department with respect to facilities.

Mr. Hart provided an overview of the various sections of the Revised Code governing the Commissioner responsibilities for the Health Department, stating that there are different sections governing General Health District and Combined Health Districts. Fairfield County is currently a Combined Health District, but if Lancaster chooses to leave, it would revert to a General Health District.

Mr. Hart stated that under Chapter 307, the Board has a duty to furnish housing for a General Health District, but under section 3709.34 of the ORC, for a Combined District, the Commissioners "may" furnish quarters. In addition, under 3707.55, that section discusses the Board of Health authority to purchase or lease real property and discusses that the Commissioners have no duty to provide or pay for quarters of the Health District opts to obtain its own property.

Previously, the Commissioners provided quarters (the current building in which the Health Department resides) in 2003. The Board decided the property to the Board of Health, which consists of approximately 5 acres plus the building.

Mr. Hart stated the Combined District was formed in 1999, and in 2005 the contract was renewed in 2005 to run through 2010. Mr. Hart stated the Health Department is seeking direction, as they currently spend a lot of resources maintaining the building, but under the ORC, the Commissioners have no obligation to furnish or pay for quarters for the Department.

Mr. Hart also provided the Board with State Attorney General opinions from the past that addressed this issue, stating that in 1991, and AG opinion clearly stated the Board is not required to provide quarters, and a 1983 opinion stated the Commissioners may provide space, but the ultimate costs are borne by the Health District as operational costs. The Commissioners may expend funds for repairs or maintenance if the county owns part of any quarters provided, but is not obligated to do so.

Commissioner Myers asked if the Board is required to provide space, and Mr. Laramee stated the Commissioners need to separate the issue of whether the Health Department is a Combined District or a General District. Mr. Hart stated that right now, the District is a Combined District, but could become a General District at the end of 2010. Regardless, because the Health Department currently owns its own property and building, the Commissioners are not obligated to provide quarters.

Mr. Laramee stated the other question is whether or not the Commissioners can expend funds on buildings they do not own. Commissioner Shupe stated that it sounds as if the Commissioners are not obligated.

Mr. Hart referenced a 1996 AG opinion, in which the Commissioners are required to provide and pay for utilities for a General Board of Health, which is somewhat contradictory to the previous opinions referenced.

Commissioner Myers asked what is the question that requires answering, and Mr. Hart stated that Director Hirsch spends approximately \$150,000 per year to maintain the current building, and he and the city have suggested giving the building to the Port Authority or CIC. Commissioner Myers stated the Mayor seemed to be willing to go either way, he is also under the impression that the city would save money by leaving the District and simply contracting for services. Commissioner Kiger asked how that

would be possible, as the city would still be expected to help cover the operational costs of providing those services, including building costs for the Health Department.

Commissioner Myers stated Mr. Hirsch also mentioned an upcoming Budget Commission hearing, and was not sure what the issue with that would be, and Mr. Laramee stated the Health Department has to come before the Budget Commission for approval of revenue and appropriations, and the Budget Commission can reduce appropriations but cannot increase them. Following the Budget Commission hearing, the Commission allocates costs to all the local jurisdictions for their cost share to operate the Health Department for the year. Mr. Laramee stated this process has nothing to do with the District Advisory Council process, it is a Board of Health function.

Commissioner Myers noted that if the DAC does not approve fees, that could affect the Health Department budget, and Mr. Laramee pointed out the DAC approves fees in March, and the Budget Commission hearing occurs after that, so they are always aware of any potential changes.

Commissioner Myers asked Mr. Hart if he believes the Commissioners are required to cover any of the building costs, and Mr. Hart stated that in reviewing the ORC and the AG opinions, if the Health Department leases or owns the facilities, then the Commissioners have no obligation to provide or pay for anything.

Mr. Hart stated that if the Board of Health divests ownership of the building and the Commissioners would provide assistance in finding or providing alternative space, that might help draw the players back to the table. Commissioner Kiger asked if the offices could be broken out to different building, and Mr. Hart stated that is always possible, and Commissioner Shupe noted the health Department clinic has already been separated and relocated. Commissioner Myers noted the clinic also received Federal subsidies.

Mr. Laramee stated that to him the question becomes what is "suitable" quarters and facilities. Mr. Hart stated there is no good definition of that, citing a 1949 AG opinion that referenced facilities with dirt floors.

Commissioner Myers asked what would happen if the Health Department sold the building, and Commissioner Shupe stated she thought there were some strings attached to that deal. Mr. Hart stated that there does not appear to be any restrictions in the deed.

Commissioner Shupe asked what the answer is, and Commissioner Myers stated it depends on what the Health Department does with the building. Mr. Laramee stated under the AG opinion, the Commissioners are under no obligation as a Combined District – if the District reverts to a General, the Health Department may be able to divest the building and demand the Commissioners provide space. Mr. Hart stated he is not sure how that would work, as the ORC does not provide clear direction on that possibility.

Commissioner Kiger stated the Board could have sold the entire property but did not, as there appears to be approximately 14 acres there. Commissioner Myers stated there used to be a lot more land that, but Monty Black got a lot of the acreage plus a right-of-way adjacent to the Board of Health drive.

Commissioner Kiger asked who would negotiate a service contract between the city and the Health Department, and Mr. Laramee stated the city and the Board of Health – the Commissioners are not part of that process. Commissioner Kiger asked if the contract would end up costing the county funding, how does the city save money, and Mr. Laramee stated he does not see how the city would save funding.

Mr. Hart stated if the District becomes a General District once again, because they currently own facilities, the Commissioners are under no obligation to provide anything.

Commissioner Myers suggested scheduling a meeting with the city and Mr. Hirsch to discuss the merger agreement, and Mr. Hart stated that would not hurt, and if the Commissioners support the District, they should have some input relative to costs and how much those costs would change for the parties involved.

Commissioner Myers asked what response the Commissioners need to provide to the Board of Health, and the Board directed Mr. Zody to schedule a meeting with the city and Mr. Hirsch.

Adjournment

With no further business to come before the Board, on the motion of Judith Shupe and the second of Jon Myers, the Board of Commissioners voted to adjourn at 3:15 p.m.

Roll call vote on the motion resulted as follows:

Voting aye thereon: Mike Kiger, Jon Myers and Judith Shupe

Mike Kiger
Commissioner

Jon D. Myers
Commissioner

Judith K. Shupe
Commissioner

Scott Zody, Clerk/Manager

**THE NEXT REGULAR MEETING OF THE BOARD OF COMMISSIONERS' IS
SCHEDULED FOR TUESDAY, FEBRUARY 2, 2010 AT 10:00 A.M.**