

**Regular Meeting #09-52
Fairfield County Commissioners' Office
December 15, 2009**

Monday, December 14, 2009

Executive Session

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to enter into Executive Session at 10:35 a.m. for the purpose of conducting annual department head and employee evaluations. Commissioners present were Judith Shupe, Jon Myers and Mike Kiger.

Roll call vote of the motion resulted as follows:

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

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to adjourn from Executive Session at 2:45 p.m.

Roll call vote of the motion resulted as follows:

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

2:45 p.m. Meeting with Mayor David Smith

The Board of Commissioners met with Lancaster Mayor David Smith to discuss a funding request for the Lancaster Public Transit System. Commissioners present were Judith Shupe, Jon Myers and Mike Kiger. Also present were Mike Courtney, Toby Shamblin, Michelle George and Scott Zody.

Mayor Smith stated that he wanted to discuss the funding request for LPT to continue to provide service in the rural areas just outside the City of Lancaster that the Board of Commissioners helped provide funding to initiate in 2008. Carrie Woody is now the Director of LPT, and has made significant improvements to the organization to make it more efficient and expand the programming.

Mayor Smith noted that for every dollar put into the system locally, an additional \$9 is generated for support by state and Federal funding sources, and the city is exploring new opportunities, such as the expansion of service area outside Lancaster that the Board helped to fund.

Mayor Smith noted that in the expanded service area, LPT expects to provide 5,000 rides in 2010, and would like the Board to contribute \$10,000 towards that effort and leverage additional state and Federal support.

Commissioner Shupe asked if the funds would be directed solely for the expanded service area, and Mayor Smith stated they would, and Commissioner Myers asked how many rides were provided within Lancaster, and Mr. Shamblin stated there are about 12-14,000 in 2009, a substantial increase over 2008.

Mayor Smith noted the 9:1 match is the best rate going, and LPT values the rural ride program just as much as the in-city program.

Commissioner Shupe asked how far out the LPT service went, as she has seen buses in Amanda, and Mr. Shamblin stated LPT has a contract with the School district to provide some transportation for vocational education purposes, and is working with the Village on an agreement for special services such as medical or work related rides.

Commissioner Myers asked if each ride is charged one-way, and Mr. Shamblin stated it is \$2 one way for scheduled pickups, and they try to work with doctor's offices to coordinate the timing of pickups in case the doctor is running behind schedule.

Commissioner Myers noted the Board recently approved a contract between LPT and Job & Family Services, and Mayor Smith stated the JFS contract has been very helpful and Ms. Woody has worked hard to improve that relationship, as well as relationships with school districts and Fairfield Center for Disabilities on cooperation, not competition.

Commissioner Myers stated the problem facing the Board is that revenue numbers for 2010 are looking very tight, and the Board may have to wait another week to adopt the budget or possibly come back and amend the budget depending upon the year end figures.

Mayor Smith stated that he appreciates the position the Board is in, and the concern is not being able to serve areas of the county if the support funding is not provided. Mr. Courtney noted the transit return on investment is better than any other public program.

Commissioner Shupe stated the Board would continue to discuss the proposal the next day. Mr. Shamblin stated the 2010 ride estimates should be on the conservative side, and he expects more interest, particularly in the rural areas. Commissioner Myers asked how many vehicles were in the LPT fleet, and Mr. Shamblin stated there are 13, with 8 in service during peak traffic times.

Commissioner Kiger stated that Director Orlando at JFS had indicated there might be one less carrier in Lancaster next year, and Mayor Smith stated that was their understanding as well, which would help their business in town but would not help the rural effort.

Mr. Zody asked if the rural program was separate from the effort to expand service in Violet Township/Pickerington, or part of the same program, and Mr. Courtney stated this is a separate program, and the funding request from the Commissioners would only be applied to the area within a 5-mile radius of Lancaster. Commissioner Myers asked who was contributing to the Violet/Pickerington effort, and Mr. Courtney stated the Pickerington, Violet Township, the Board of Developmental Disabilities and United Way are all contributing.

Tuesday, December 15, 2009

9:00 a.m. Meeting with Meals on Wheels

The Board of Commissioners met with representatives from the Meals on Wheels--Older Adult Alternatives of Fairfield County (MOW-OA AFC) to discuss a contract for the new replacement levy. Commissioners present were Judith Shupe, Jon Myers and Mike Kiger. Also present were Terry Borah, Raina Cornell, Donald Brey, Lisa Cheeseman, Ed Laramee, Jason Dolin and Scott Zody.

Commissioner Shupe stated that the contract appears to be agreeable with the exception of whether or not a unanimous vote or a simple majority vote is required for the Commissioners to overturn a recommendation by MOW.

Mr. Brey introduced himself as an attorney from Chester Willcox & Saxbe in Columbus who has been retained by MOW to represent their interests. Mr. Brey noted that the replacement levy language requires payments to be made by or through MOW, and was set up that way under the original levy to take "politics" out of the decision-making process. Mr. Brey stated that the original contract pushed those issues to the edge but MOW at the time felt they could live with it, as the organization wanted to be more than a "gatekeeper". No one is objecting to the accountability provisions, as they are accurate and reasonable, but in an ideal world, MOW would not be allowing its operational budget to be approved by the Commissioners.

Mr. Brey noted that the words "by or through" in the ballot language should be considered closely when looking to separate contracts from grants. Grants should be

more than a gatekeeper role for MOW, and Mr. Brey questioned the Commissioners direct role in making decisions on grants, as that may not have been what the voters intended when the levy was enacted.

Commissioner Shupe asked how a majority vs. a unanimous vote changes that, and Mr. Brey stated a unanimous vote gives MOW some comfort that they would maintain some control over the grants, and MOW would like a unanimous vote to approve/disapprove grants and the budget.

Commissioner Shupe stated that she does not believe the Board should change its authority for MOW since they operate as a simple majority in nearly all of its other business. Mr. Brey stated that when the Board does its normal business that is a majority vote, such as setting budgets, but the Board does not follow up with agencies on how those funds are spent, either.

Mr. Laramee stated he disagrees with that premise, and the contract only concerns levy funds, which are public funds. Mr. Laramee noted that he is not interested in what MOW does with non-levy funds, but there are two major items of interest relative to the levy funds – The budget and the services provided under it(i.e., the invoices submitted by MOW for services) and the grants to senior groups.

Mr. Brey noted that asking for additional funding or transferring funding requires Commissioners approval, and Ms. Cheeseman asked if MOW could just place those funds in the operational line item for services and pay those directly, and Mr. Laramee stated that is precisely the problem that needs to be avoided, as it would appear that MOW would be contracting with themselves in that regard.

Mr. Laramee noted the invoices that are submitted are part of the weekly bill list the Commissioners approve, and few are ever questioned, but they are accounted for.

Regarding the grant, Mr. Brey stated that under the appropriations procedure, MOW can apply to change the appropriation process and it has seemed to change but the concern is future changes to the Board of Commissioners and the effect that could have on MOW. Also, other senior levies or other county levies do not have the “by and through” language like the MOW levy. Mr. Brey maintained that the contract is legal.

Commissioner Shupe stated the question is not whether the contract is legal but how the Commissioners conduct business. Mr. Brey stated the contract needs to be consistent with the ballot language, and the voters approved the language and the funds need to be spent properly.

Mr. Laramee stated that when the contract and ballot were being considered the word “through” was intended to cover the grants and service contracts, and that part of the package was not to be separated from the Commissioners. The Commissioners clearly have appropriation authority, and cannot simply forego that responsibility.

Commissioner Shupe stated the Commissioners also have responsibility to place the levy on the ballot or not. Mr. Brey stated that the contract language may cause the voters some concern, and Commissioner Shupe stated she believes it is a good contract.

Commissioner Myers asked if there had been any problems over the past 5 years with the levy, and Ms. Cheeseman stated there had not been problems, but there could be problems if the vote is changed to a simple majority and the Commissioners change. Commissioner Shupe stated this is not a “what if” issue, and can’t be looked at for possible changes to the Board.

Mr. Brey stated he is just looking for consistency, and Commissioner Shupe stated that is what the Commissioners would like to see as well. Commissioner Myers stated he can understand both sides of the issue and the two sides seem to be mincing words.

He continued that the contract may be approved by a majority vote and not a unanimous vote, and that would be ironic. Mr. Dolin requested that Ms. Cornell send a copy of the complete contract with the language they would prefer so he could review, and the Board would consider those changes on total. Ms Cornell stated the contract as presented by the Commissioners, with the 2 exceptions relative to unanimous vs. majority vote, was acceptable, and she would make those changes and send to Mr. Dolin.

10:00 a.m. Commissioners' Regular Meeting

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, December 15, 2009 beginning at 10:00 a.m., with the following Commissioners present: Judith Shupe, Jon Myers and Mike Kiger. Also present were Mary Beth Lane, Michelle George, Aundrea Cordle, Jason Dolin and Scott Zody.

Announcements

Mr. Zody announced that Resolution 09-12.15.g would need to be tabled, as supporting documentation needed from the Village of Bremen was not yet available, but would be available for next Tuesday's meeting.

Public Comment

There were no public comments.

Approval of minutes of Thursday, December 10, 2009

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve the minutes for Thursday, December 10, 2009.

Roll call vote of the motion resulted as follows:

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

Approval of Permanent Appropriation Resolution for 2010

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve the permanent appropriation resolution for 2010, see resolution 09-12.15.a

Roll call vote of the motion resulted as follows:

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

Approval of Fairfield County Community Development Block Grant CDBG Consultant Selection

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve the Fairfield County Community Development Block Grant (CDBG) Consultant Selection, see resolution 09-12.15.b

Roll call vote of the motion resulted as follows:

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

Approval of Application for tax exemption for qualifying real property located on land enrolled in an Agricultural Security Area (ASA)

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve an Application for tax exemption for qualifying real property located on land enrolled in an Agricultural Security Area (ASA), see resolution 09-12.15.c

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

Approval of establishing an allocation of funds from the County General Fund for the Fairfield County Job & Family Services for the County 2010 Fiscal Year

On the motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve establishing an allocation of funds from the County General Fund for the Fairfield County Job & Family Services for the County 2010 Fiscal Year, see resolution 09-12.15.d

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

Approval entering into a plan agreement with the County Commissioners Association of Ohio for inclusion in the Workers' Compensation Group Retrospective Rating Plan

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve to enter into a plan agreement with the County Commissioners Association of Ohio for inclusion in the Workers' Compensation Group Retrospective Rating Plan, see resolution 09-12.15.e

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

Approval of an amendment to a lease agreement for office space between the Board of County Commissioners and Fairfield County Job & Family Services

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve an amendment to a lease agreement for office space between the Board of County Commissioners and Fairfield County Job & Family Services, see resolution 09-12.15.f.

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

Approval of an Amendment to the Fairfield County Enterprise Zone

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to lay upon the table the approval of an amendment to the Fairfield County Enterprise Zone, see resolution 09-12.15.g

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

Approval of request for payment and status of funds report – FY2008 CSBG & OHTF Funds – Drawdown #205

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve a request for payment and status of funds report – FY2008 CSBG & OHTF Funds – Drawdown #205, see resolution 09-12.15.h.

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

Approval of Subsidy Grant, Fairfield County Juvenile Court

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners

voted to approve a subsidy grant for the Fairfield County Juvenile Court, see resolution 09-12.15.i

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

Approval of Engineer resolutions

On the motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve resolutions for the County Engineer as follows:

09-12.15.j Approval of construction drawings for the FAI-CR13-2.87 Basil-Western Road NW Profile Improvement Project - Engineer

09-12.15.k Approval of advertising for the FAI-CR13-2.87 Basil-Western Road NW Profile Improvement Project - Engineer

09-12.15.l Approval of Federally Mandated Alcohol and Substance Abuse Program Agreement - Engineer

09-12.15.m Approval of establishing, altering and widening of the intersection of Pleasantville Road and Gun Barrel Road, Fairfield County, Ohio declaration of necessity and setting a Commissioner viewing date of January 26, 2010 at 9:00 a.m. and a final hearing date of January 26, 2010 at 11:00 a.m. - Engineer

09-12.15.n Approval of Declaration of Necessity to alter, vacate and rename a section of Busey Road in Violet Township - Engineer

09-12.15.o Approval to vacate a portion of a public road, Busey Road in Violet Township - Engineer

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

Approval of board appointment resolutions

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve appointments to county boards as follows:

09-12.15.p Approval of the Appointment of Christine Swindells to the Fairfield County Board of Developmental Disabilities

09-12.15.q Approval of the Appointment of Tom Alexander to the Fairfield County Alcohol, Drug Addition & Mental Health Board

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

Approval of resolutions for advances/repayment of advances to/from the General Fund

On the motion of Mike Kiger and the second of Jon Myers, the Board of Commissioners voted to approve resolutions for advances/repayment of advances to/from the general Fund as follows:

09-12.15.r Approval of Advance from the General Fund to the OHTF Fund 2732 & extend repayment date to March 15, 2010

09-12.15.s Approval of repayment of an advance to the General Fund & extension of repayment date – CSBG Fund 2730