

**Regular Meeting #07-49
Fairfield County Commissioners' Office
November 20, 2007**

9:00 a.m. Meeting with Barbara Curtiss, Jon Slater, Tony Vogel, Ed Laramée

The Board of Commissioners met with Auditor Barbara Curtiss, Treasurer Jon Slater, Tony Vogel, and Ed Laramée to discuss county debt and financing. Present were Commissioner Mike Kiger, Judith Shupe, and Jon Myers. Present also were Jason Dolin and Scott Zody

Commissioner Kiger stated that the Board had met recently with David Conley from C. W. Baird, and Mr. Conley made a recommendation that the county consider refinancing some or all of its outstanding bonds, as well as seeking a new bond rating from the investment houses in New York City. The Board wanted to discuss these recommendations with the Auditor and Treasurer to determine direction.

Commissioner Shupe stated that part of the concern for debt ceiling is that Fairfield Union schools is using a large portion of the county debt capacity for its new school construction and there is not enough remaining to consider issuing bonds for a new Public Safety Facility.

Mr. Laramée replied that debt capacity should not be a problem, as the county reappraisals are showing a strong increase in valuations, which would increase the county's capacity to issue bonds. In fact, the outstanding millage should decrease from about 9.5 mills to 8.75 mills, which would leave 1.25 mills available for bond issuance.

Commissioner Shupe asked if that figure included Utilities debt, and Mr. Laramée stated that it did. He added that the information Mr. Conley is working from is slightly dated, and would not have included the recent reappraisal information.

Commissioner Myers commented that Mr. Conley recommended removing the Utility debt from the millage by converting it to revenue bonds, and Mr. Laramée stated that could be done, but in all likelihood, the Utility debt would end up paying off at a higher interest rate.

Ms. Curtiss asked if Utilities was still holding its rates steady, and Mr. Vogel replied that the rates had been frozen for 2007, but would increase 3% in 2008.

Commissioner Myers asked of the resulting savings of refinancing would justify doing so, and Ms. Curtiss replied that the real question would be if the rates would decrease or not. Commissioner Shupe stated that the numbers Mr. Conley showed them reflected the savings less his fees. Commissioner Kiger stated that Mr. Conley would charge 2% of the amount refinanced, which could be several hundred thousand dollars. Ms. Curtiss replied that the savings would not likely outweigh the benefits in that case.

Commissioner Myers asked if there is a limit on the number of times the county could refinance the bonds, and Mr. Slater replied that the bonds could only be refinanced twice over their 20-year life span.

Ms. Curtiss stated that if the Commissioners planned to go to New York for a rating update, the latest financial information would be from 2006, which would not be as positive as the last time the Board went for a rating review. Ms. Curtiss stated it could likely result in a rating decrease for the county.

Mr. Slater stated that even though the financials are not as good as 2003, the cash position of the county is stable. Ms. Curtiss stated that the conveyance fees are down nearly \$1 million for 2007, and Mr. Laramée stated that the bottom line is that the county is not in the strongest position, and should wait before going for a rating review.

Mr. Slater stated that even though the county has not had a review for some time, the county is a known entity with good credit, but he is concerned about the home foreclosure rate in the county, and agreed it would be better to wait.

Ms. Curtiss stated that the county would have its latest Comprehensive Annual Financial Report (CAFR) in June, and that would be the best barometer to use for measuring the county's financial health.

Commissioner Myers asked if the consensus of the group is to wait, and all agreed with that assessment. Commissioner Myers asked if it made sense to consider converting the Utilities bonds to revenue bonds, and both Ms. Curtiss and Mr. Slater stated their preference to leave those bonds as is.

The group then discussed the proposed Joint Economic Development District (JEDD) that is being considered by Pickerington, Lancaster, Violet Township, Bloom Township, and Canal Winchester.

Mr. Vogel gave an overview of the proposal, and stated his concerns relative to service areas that have been previously agreed to by all parties for Fairfield County Utilities to serve. Mr. Vogel fears that a loss of those service areas could negatively impact his ability to properly service his customers and prevent him from paying off his bonds.

Mr. Vogel expressed his concerns to the JEDD council and asked them to make some changes to their documents to ensure the preservation of existing service areas, but reported that Lancaster and Pickerington have objected.

Ms. Curtiss asked if there is any legal argument or objection that the county could make, and Mr. Vogel replied that there is none that he knows of.

Mr. Slater asked if the Transportation Improvement District has any role in this process, and Commissioner Shupe stated the 33 Growth Alliance had become the focal point for the by-pass corridor, and wasn't sure if the TID was even meeting as an entity anymore.

Mr. Laramée stated that the language would seem to create contradictions among various agreement on utilities and development that had been previously agreed to. Mr. Vogel stated that a JEDD is usually created to address areas where no services or infrastructure exists, which is not the case here, and so conflicts are created.

Mr. Laramée also stated that this could create problems with respect to annexation, and Mr. Vogel agreed, also stating that there is a potential for double taxation.

Commissioner Kiger asked if the Ohio EPA had set service areas for utilities, and Mr. Vogel stated that they had, but those are not set in stone and he fears a parcel by parcel legal battle with a JEDD.

Commissioner Shupe suggested inviting Mayor Smith from Lancaster in for a discussion of his concerns, and Commissioner Myers suggested that all parties to the JEDD be invited to a meeting to discuss concerns. The Board directed Mr. Zody to set a time for a meeting as soon as possible, and invite the interested parties.

Mr. Laramée asked if any public meetings had been held on the proposal, and Mr. Vogel stated that there are supposed to be three public meetings held prior to adoption, but is unaware that any have been held to date.

Mr. Slater stated that he is very concerned, because the Utilities debt payoff is based upon future growth of service and customers. Commissioner Myers stated that he is concerned with the perceived rush to implement the JEDD without input from all affected parties.

The Board directed Mr. Vogel, Mr. Zody, M. Slater, and Bill Arnett work together to draft a letter of concern to be sent to the JEDD participants inviting them to a meeting to discuss those concerns.

10:00 a.m. Commissioners' Regular Meeting

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, November 20, beginning at 10:00 a.m., with the following Commissioners present: Mike Kiger, Jon Myers and Judith Shupe. Also present were: Mary Jane Gard, Tierra Palmer, Jason Dolin, Michael Orlando, Bill Arnett and Scott Zody.

Announcements

Clerk/Manager Zody informed the Board of Commissioners that the order of the agenda was slightly altered due to a couple of late resolutions coming in, but all were on the agenda.

Public Comment

There were no comments from the public.

Approval of minutes of Tuesday, November 13, 2007

On motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve the minutes for Tuesday, November 13, 2007.

Roll call vote of the motion resulted as follows:

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

Approval to rescind Resolutions 07-11.13.n and 07-11.13.o, creation of grant funds, EMA

On motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve resolutions relative to the Fairfield County Emergency Management Agency as follows:

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| 07-11.20.a | Approval to rescind Resolutions 07-11.13.n, and 07-11.13.o, creation of new grant funds – Fairfield County Emergency Management Agency |
| 07-11.20.b | Approval to create a new Grant Fund for Emergency Planning Grants – Fairfield County EMA |
| 07-11.20.c | Approval to create a new Grant Fund for State Homeland Security – Fairfield County EMA |

Roll call vote of the motion resulted as follows:

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

Approval to Relinquish County Asset, Upon Retirement, per Fraternal Order of Police Contract

On motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve to relinquish a county asset, being the sale of a service weapon to a retiring Fairfield County Deputy, see resolution 07-11.20.d

Roll call vote of the motion resulted as follows:

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

Approval of a Contract for Police Services, Village of Pleasantville

On motion of Judith Shupe and second of Jon Myers the Board of Commissioners voted to approve a contract for police service between the Village of Pleasantville and the Fairfield County Sheriff, see resolution 07-11.20.e

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

Approval of Revolving Loan Fund Block Grants

On motion of Judith Shupe and the second of Mike Kiger, the Board of Commissioners voted to approve resolutions relative to funding Revolving Loan Fund Block Grants as follows:

- 07-11.20.f Approval of Disbursal of Funds in the Fairfield County Community Development Block Grant Revolving Loan Fund

- 07-11.20.g Approval to Fairfield County Revolving Loan Fund Review Committee recommendations for funding a proposal for Community Development Block Grant Revolving Loan funds

Commissioner Myers stated that he would abstain from voting on these resolutions, as the company receiving the grant provides lawn care services to his property.

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

Approval of Appointments to Airport Authority Board

On motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve resolutions relative to the appointment of members to the Fairfield County Airport Authority Board as follows:

- 07-11.20.h Approval of the Appointment of William McNeer to the Fairfield County Airport Authority Board

- 07-11.20.i Approval of the Appointment of Joseph Richards to the Fairfield County Airport Authority Board

- 07-11.20.j Approval of the Appointment of Martin Lohne to the Fairfield County Airport Authority Board

- 07-11.20.k Approval of the Appointment of Kerry S. Hogan to the Fairfield County Airport Authority Board

Commissioner Myers stated that all four members have been doing an excellent job and deserve reappointment to the Board.

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

Approval of Subrogation of Mortgage of Kevin Withem to Fairfield National Bank

On motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve the subrogation of a mortgage funded through the CHIP program to Fairfield National Bank, see resolution 07-11.20.l

Roll call vote of the motion resulted as follows:

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

Approval of Change Orders, County Engineer projects

On motion of Judith Shupe and second of Jon Myers the Board of Commissioners voted to approve resolutions making change orders to County Engineer roadway projects as follows:

- 07-11.20.m Approval of Change Order for the 2007 Re-surfacing Project – Fairfield County Engineer
- 07-11.20.n Approval of Change Order for the BER-20 FAI-CR65-0.40 Maple Street over Rush Creek Bridge Replacement Project - Fairfield County Engineer

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

Financial Resolutions

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

- 07-11.20.o Approval of Account to Account Transfer - Fairfield County ADAMH Board
- 07-11.20.p Approval to Appropriate from Unappropriated – Probation Services Fund
- 07-11.20.q Approval of Account to Account Transfer – Soil & Water
- 07-11.20.r Approval of Account to Account Transfer – Fairfield County Domestic Relations Court
- 07-11.20.s Approval of Account to Account Transfer – Fairfield County Domestic Relations Court
- 07-11.20.t Approval of Account to Account Transfer – Clerk of Courts Title Division
- 07-11.20.u Approval to Appropriate from Unappropriated - Victims of Crime Assistance
- 07-11.20.v Approval of Account to Account Transfer – Fairfield County Airport
- 07-11.20.w Approval of Account to Account Transfer – Fairfield County Airport
- 07-11.20.x Approval of Account to Account Transfer and Fund to Fund Transfer – Fairfield County Airport
- 07-11.20.y Approval of Account to Account Transfer – Fairfield County Maintenance
- 07-11.20.z Approval of Repayment of Advance to the General Fund – Fairfield County CHIP, Fund 2660
- 07-11.20.aa Approval of Repayment of Advance to the General Fund – Fairfield County Fairfield County EMA
- 07-11.20.bb Approval of Amended Certificate and Request to Appropriate from Unappropriated – Fairfield County Regional Planning

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

Approval of Payment and status of Funds Reports – CHIP and CDBG

On motion of Judith Shupe and second of Jon Myers the Board of Commissioners voted to approve resolutions relative to payment of funds and status of fund reports – CHIP and CDBG, as follows:

07-11.20.cc Approval of Payment and Status of Funds Report – CHIP FY 2005 drawdown

07-11.20.dd Approval of Payment and status of Funds Report – CDBG Formula Program

Roll call vote of the motion resulted as follows:

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

Payment of Bills

On the motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve the authorization for payment of bills, November 20, 2007, check date November 21, 2007, see resolution 07-11.20.ee

Roll call vote of the motion resulted as follows:

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

Approval of Agreement with the State of Ohio – Small Cities CDBG Grant

On motion of Judith Shupe and second of Jon Myers the Board of Commissioners voted to approve an agreement with the State of Ohio relative to Small Cities Community Development Block Grants FY 2007, see resolution 07-11.20.ff

Roll call vote of the motion resulted as follows:

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

Review Session

The Board of Commissioners met at 10:15 a.m. to review correspondence, pending items, and future action items. Commissioners present at the review session were Mike Kiger, Jon Myers, and Judith Shupe. Present also were Tierra Palmer, Michael Orlando, Jon Slater, Joe Spybey, Jason Dolin and Scott Zody.

Mr. Slater and Mr. Spybey provided an update on Fairfield Federal Banks proposal to locate an ATM machine at the Liberty Center. Mr. Slater stated that had this request come in about three months previously, he could have included it as part of the bid process for a cash management agreement that was bid out for the Center. Unfortunately, the agreement is a 4-year agreement and Mr. Slater is not aware of any other mechanism to use, unless the proposal is a stand-alone bid process.

Commissioner Myers asked is the county had an obligation to receive revenue from such a proposal, or could it be viewed as a public serve and not charge? Mr. Slater replied that as long as the bank would be responsible for any maintenance and upkeep costs, he did not see why an agreement could not be framed in such a way.

Commissioner Shupe asked where the machine would be located, and Mr. Spybey stated it would be in the main lobby of the Center. Commissioner Myers asked if a month-to-month agreement could be utilized to test the acceptance of the machine, and Mr. Spybey stated he could do that.

Mr. Dolin advised that the best course of action to follow would be to bid the opportunity out, and Mr. Slater stated he was not sure if this should be a revenue producing venture or not, but the county should at least cover any costs incurred.

Commissioner Myers asked if this would be similar to the vending machine agreement the county has, and Mr. Spybey replied that it was somewhat similar.

Commissioner Shupe stated that it would make sense to bid the process out.

Mr. Dolin stated that it would be important to understand how much revenue the vendor would realize off of the venture – if it would be greater than \$25,000, then it would have to be bid by law.

Mr. Slater stated he would contact the bank and seek some clarification.

Mr. Dolin provided an update on various legal issues he is working on for the Commissioners. Mr. Dolin stated that he has been conducting research on the County Commissioner's Association draft "pay-to-play" policy, and hopes to have additional information next week.

Mr. Dolin reported that he has been reviewing the letter from Meal-on-Wheels relative to changing their levy from a renewal to a replacement, and does not believe they could go to the March, 2008 ballot even with a replacement. They would need to wait until the November, 2008 election. Commissioner Shupe stated she is concerned that MOW is asking for an increase in millage and funding, when there is some question as to how they are spending their current funds.

Commissioner Myers asked what the increase would be used for, and Mr. Dolin stated that he was not sure, and had asked Carol Marx for some additional information in that regard. He also suggested to Ms. Marx that the MOW Board adopt a formal resolution requesting the replacement levy.

Commissioner Shupe stated that she would like to see more information relative to the number of units MOW is serving, and what other services they are providing. The general information that she has been able to access does not seem to indicate they are doing more. Commissioner Kiger states that it appears that MOW has provided over 93,000 meals this year through August, which would be an increase. Commissioner Myers stated that it appears they have increased other service as well, such as home repair and maintenance.

Mr. Dolin provided an update to the Board relative to county highway obstructions. Mr. Dolin reported that he has been working with Roy Hart in the Prosecutor's Office on the question of whether or not a hearing is required by the Board prior to ordering the removal on an obstruction, and they believe there is not a clear answer to that question. Case law on the matter is not clear, nor have there been many cases to draw from. History would indicate that this has not been an issue around the state, but Mr. Dolin advised that if it becomes a matter of risk assessment, the prudent course would be to hold a due process hearing, even if it is an extremely brief one.

Commissioner Shupe stated her desire would be to maintain the status quo, and not hold a hearing. Commissioner Myers asked who would send the second notification letter, and Mr. Dolin replied that would come from the Prosecutor's Office. Commissioner Kiger stated that the Custer case and hearing with Judge Martin seemed to somewhat change that process. Mr. Dolin stated he would speak with Mr. Hart again and clarify what process to follow.

Commissioner Kiger brought to the Board's attention that the Veterans' Service Commission Board has requested a 3% raise for the Board members, which would amount to just under \$1,000 for 2008. Commissioner Shupe asked if the Board could grant a raise mid-term, and Commissioner Myers thought that would be spelled out in the Revised Code. Commissioner Kiger agreed, and asked Mr. Dolin to check Chapter 5901.

Michael Orlando suggested the Board ask the Meals on Wheels Board for some background information and to perform certain functions prior to the Board approving any levy request. He suggested the MOW provide a needs assessment to spell out what services are being provided at what costs currently, and what services would be enhanced with the levy funding, a statistical analysis covering the units of services being provided by category prior to the original levy passage, compared with 2007 levels, and Strategic Plan for how the additional resources should be allocated if approved and demonstration of input from stakeholders in the development of the Plan. In addition, he suggested that MOW seek formal approval from the Advisory Committee, the MOW-OAA Board, and then seek a meeting and approval of the Board of Commissioners.

1:30 p.m. Meeting with Michael Orlando and Rich Bowlen

The Board of Commissioners met with Michael Orlando and Rich Bowlen to discuss Child Protective Service funding options. Present were Commissioners Mike Kiger, Judith Shupe, and Jon Myers. Present also were Tierra Palmer, Jason Dolin and Scott Zody.

Mr. Orlando discussed levy options, including asking for 1 mill or 1.5 mills and eliminating General Fund dollars, or 1 mill and maintaining GRF dollars. Mr. Orlando believes that 1 mill without GRF would not improve the situation for Child Protective Services or Adult Protective Services, as that would not provide any additional funding for the system. Mr. Orlando also expressed concern relative to 1.5 mills without GRF, and the ability to sell such a proposal to the public. 1.5 mills would generate sufficient funding to meet the needs of CPS and APS, but Mr. Orlando is concerned that the public might not want to put all of that cost into a levy without GRF support.

Mr. Orlando stated that he believes his role should be to provide the proper data and information necessary for the Commissioners to make informed decisions relative to funding his programs, and does not want to keep coming back to the Board to request funding each year. Mr. Orlando stated that he has been working towards a levy proposal for over 5 years, beginning with the development of a Strategic Plan, gaining accreditation of the agency and developing community advisory boards to seek public input. CPS and APS are being efficiently managed, operating on the same funding levels in 2007 that they received in 2000. The problem is increasing referrals and caseloads are overwhelming the existing staff and causing some to leave. CPS only investigates about 35% of the referrals received, due to the volume.

Commissioner Shupe asked what the "norm" for investigations are elsewhere, and Mr. Orlando stated that the optimum level is 70%. Mr. Bowlen stated that is a critical piece, and a big concern among the local community groups. Mr. Bowlen has to base his current investigations on levels of immediate danger and harm, and is missing numerous opportunities for early intervention and treatment.

Mr. Orlando stated that county funding for CPS and APS is a mixed bag around the state. Some counties are totally supported by GRF, some are totally supported by levies, and other receive both. Mr. Orlando would strongly prefer to pursue a 1 mill levy and maintain his current (2007) level of GRF support.

Mr. Bowlen stated he is seeking direction – he receives many calls from relatives for referrals and they do not understand why in many cases CPS does not act because there is no immediate danger. It can be frustrating for the family as well as the staff. At the end of the year, Mr. Bowlen will lose \$1 million in grants that will expire and cannot be renewed, which will result in 5 employees being laid off.

Commissioner Shupe asked if the 13-year old boy involved in the recent stolen vehicle accident was a client, and Mr. Orlando stated that he was not, but the police have contacted CPS regarding some issues that have arisen as a result of their investigation.

Commissioner Myers asked Mr. Orlando to clarify that his preference was 1 mill plus GRF support. Mr. Orlando stated that was the case, and if he could maintain his 2007 GRF funding levels, that could save the county approximately \$500,000.

Commissioner Shupe asked if the revenue estimates from 1 mill were based on the old appraisals and valuation, or the new valuations, and Mr. Orlando stated that he believed the numbers were current. In addition, over the 10-year life of a levy, he would need to try to spend less early and plan for the outer years, as the revenue produced each year would remain the same.

Commissioner Kiger asked what GRF support JFS receives, and Mr. Orlando stated that for 2007, he receives \$2 million, of that \$1.3 million supports CPS, the remainder is split between Child Support enforcement and Public Assistance for state match. Commissioner Kiger stated that he was not in office when the previous levy failed and the county began providing a GRF subsidy, but he believed that if a new levy would pass, the GRF subsidy should no longer be provided.

Commissioner Shupe stated that after the previous levy failed, it became the Board's responsibility to support CPS, and she could see the need for the \$700,000 GRF match funding for CSEA and Public Assistance.

Commissioner Kiger asked how the counties that are supported 100% by levy funds manage with out GRF subsidies, and Mr. Orlando stated that Muskingum County is an example of that – Muskingum has a levy that provides \$4.2 that he believes covers all of their costs, but in the case of Fairfield County, the levy would only be for Child Protective Services and Adult Protective Services.

Commissioner Myers asked how much funding would be provided if the levy passed and the GRF subsidy was maintained, and Mr. Orlando stated the levy is projected to generate \$2.4 million, and coupled with the GRF, that would provide a total of \$3.5 million. Commissioner Myers asked about current and projected staff levels, and Mr. Bowlen stated that he currently has 25 caseworker, plus 10-15 support staff, but he will lose 5 employees at the end of the year with the expiration of a grant. Mr. Bowlen stated that he would like to add more caseworkers to help alleviate the caseloads, and add some investigators to address a greater number of referrals.

Commissioner Myers asked about the timeline for filing with the Board of Elections, and Mr. Zody stated that the Board of Elections would need to have draft ballot language approved by the Commissioners and a Certificate of Estimated Revenue from the Auditor's Office by December 20th in order to make the March ballot.

Commissioner Shupe asked Mr. Bowlen what the average caseload is for a caseworker, and Mr. Bowlen replied that new cases average 17 per month (the average should be 11), and ongoing cases average 20 per month (avg. should be 12) so his caseworkers are stretched very thin.

Mr. Orlando stated that the more referrals that can receive early intervention, the more costs will be saved down the road in court, law enforcement and prison/jail overhead.

Commissioner Shupe stated that 1 mill would be better to try to enact, and asked Mr. Orlando if he had discussed his plans with Orman Hall. Mr. Orlando stated that he had met with Mr. Hall, and he had provided them with some research and background information.

Approval of Appointment of Art Brate to the Heart of Ohio R C & D

On the motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve the appointment of Art Brate as the Fairfield County Member at Large on the Heart of Ohio Resource Conservation & Development Council, see resolution 07-11.20.gg

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

Adjournment

With no further business to come before the Board, on the motion of Jon Myers and the second of Judith Shupe, the Board of Commissioners voted to adjourn at 3:00 p.m.

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

Mike Kiger
Commissioner

Jon Myers
Commissioner

Judith Shupe
Commissioner

Scott Zody, Clerk/Manager

**THE NEXT REGULAR COMMISSIONERS' MEETING IS SCHEDULED TUESDAY
NOVEMBER 27, 2007 AT 10:00 A.M.**