

**Regular Meeting #09-43  
Fairfield County Commissioners' Office  
October 20, 2009**

**9:00 a.m. Viewing – Basil Western Road Bridge Replacement**

The Board of Commissioners met to view a proposed county bridge replacement project by the County Engineer on Basil Western Road. Commissioners present were Judith Shupe, Jon Myers and Mike Kiger. Also present were Deputy Engineer Jeff Baird, Violet Township Engineer Greg Butcher, Tim Hann, Neal Diley and Scott Zody.

Mr. Baird provided an overview of the project, stating that the current bridge is in an advanced state of deterioration – the sandstone abutments are over 100 years old and need replaced and brought up to modern standards. The bridge is scheduled to be replaced in 2011, provided a grant through the Public Works Commission project is approved. Mr. Baird stated the project will require the acquisition of some additional right of way and should take approximately 90 days to complete.

Mr. Butcher asked if the grant for the OPWC funds had to be submitted now for funding in 2011, and Mr. Baird stated that is correct – the OPWC process takes some time to complete.

Commissioner Myers asked how traffic would be addressed during construction, and Mr. Baird traffic would likely be detoured south to US 33 or North to Busey Road. Commissioner Myers asked if there were any issues relative to farmers accessing their fields, and Mr. Baird stated that he did not believe there were, but the Engineer would be sensitive to the timing of the project. Mr. Diley stated the only problem might be getting combines to the fields on the South, as ODOT would not allow combines on US 33.

Mr. Baird stated that projects like this are usually started in late Spring and finished before school starts in the fall, or are started after school releases for the summer and finish in the fall so as to only disrupt school traffic once.

**10:00 a.m. Commissioners' Regular Meeting**

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, October 20, 2009 beginning at 10:00 a.m., with the following Commissioners present: Judith Shupe, Jon Myers and Mike Kiger. Also present were Berne Township Trustee Jim Carmichael, John Pekar, Beth Seifert, Ed Laramee, Ritta Seitz, Mary Beth Lane, Jason Dolin and Scott Zody.

**Announcements**

Mr. Zody announced there would be four add-on items for the Major Crimes Unit.

**Public Comment**

Mr. Carmichael stated that he wished to address some issues relative to the Health Department and the District Advisory Council. Mr. Carmichael stated that he believes the Health Department can be a valuable tool for the county, such as the current efforts they are making relative to H1N1 flu. However, he believes that some are pointing fingers at him as the bad guy regarding the recent fee repeal by the DAC. Mr. Carmichael stated he does not wish to “bury” the Health Department, but he is concerned with the Environmental section of the agency because he believes they are out of control – one example is the fees they charge for water well permits. Hocking County charges \$215, and Fairfield County charges over \$300.

Mr. Carmichael stated he believes the by-laws of the DAC should be amended to allow the Board to meet quarterly instead of once per year to review fee proposals by the Health Department.

**Approval of minutes of Tuesday, October 13, 2009**

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve the minutes for Tuesday, October 13, 2009.

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

**Approval of a Proclamation of Recognition for Tom Moe**

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve a Proclamation of Recognition for Tom Moe being inducted into the Ohio Veterans' Hall of Fame, see resolution 09-10.20.a

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

**Approval of the Fairfield County Access Management Manual for the Fairfield County Engineer**

On the motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve the Fairfield County Access Management Manual for the Fairfield County Engineer, see resolution 09-10.20.b

Roll call vote of the motion resulted as follows:  
Voting no thereon: Mike Kiger, Jon Myers and Judith Shupe

The measure was not approved.

**Approval of appointment of James Herd to the Fairfield County District Library Board**

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve the appointment of James Herd to the Fairfield County District Library Board, see resolution 09-10.20.c

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 CDBG Formula Program Drawdown #199**

On the 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 CDBG Formula Program Drawdown #199, see resolution 09-10.20.d

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

**Approval of establishing, altering and widening of Waterloo Road, Violet Township, Fairfield County, Ohio declaration of necessity and setting a Commissioner viewing date of November 10, 2009 at 9:00 a.m. and a final hearing date of November 10, 2009 at 11:00 a.m.**

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

voted to approve the establishing, altering and widening of Waterloo Road, Violet Township, Fairfield County, Ohio declaration of necessity and setting a Commissioner viewing date of November 10, 2009 at 9:00 a.m. and a final hearing date of November 10, 2009 at 11:00 a.m., see resolution 09-10.20.e

Roll call vote of the motion resulted as follows:

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

**Approval of payment of an invoice without an appropriate carry over purchase order resolutions**

On motion of Mike Kiger and the second of Jon Myers, the Board of Commissioners voted to approve payment of invoice without an appropriate carry over purchase order resolutions as follows:

09-10.20.f                      Approval of payment of an invoice without an appropriate carry over purchase order - Commissioners

09-10.20.g                      Approval of payment of an invoice without an appropriate carry over purchase order - Commissioners

Roll call vote of the motion resulted as follows:

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

**Approval of amended certificate, reduction in appropriations and estimated receipts – Juvenile Court**

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve an amended certificate, reduction in appropriations and estimated receipts – Juvenile Court, see resolution 09-10.20.h

Roll call vote of the motion resulted as follows:

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

**Approval of Financial Resolutions**

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

09-10.20.i                      Approval of Account to Account and fund to fund transfer – General Fund #1001 – State Victims Assistance Grant Fund #2742

09-10.20.j                      Approval of Account to Account transfer – Sheriff's Office

09-10.20.k                      Approval of Account to Account transfer – Sheriff's Office

09-10.20.l                      Approval of Account to Account transfer – Board of Elections

09-10.20.m                      Approval of Account to Account transfer - Commissioners

09-10.20.n                      Approval of Account to Account transfer - Airport

09-10.20.o                      Approval of Account to Account transfer – Dog & Kennel Fund

09-10.20.p                      Approval to Appropriate from Unappropriated – Sheriff/Commissary

09-10.20.q                      Approval to Appropriate from Unappropriated – EMA – Emergency Management General Fund

09-10.20.r                      Approval to Appropriate from Unappropriated – EMA Emergency Planning Fund

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

**Approval of Authorization for Payment of Bills, October 20, 2009, check date October 23, 2009**

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve the authorization for payment of bills October 20, 2009, check date October 23, 2009, see resolution 09-10.20.s

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

**Approval of resolutions for the Major Crimes Unit**

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

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| 09-10.20.t | Approval to amend certificate, update revenue and appropriate from unappropriated – Major Crimes Unit        |
| 09-10.20.u | Approval of contract with Chrysler Financial Service Corporation – pay off vehicle lease – Major Crimes Unit |
| 09-10.20.v | Approval of payment of a voucher outside of the normal payment process – Major Crimes Unit                   |
| 09-10.20.w | Approval of Quarterly Report of the 2009 Office of Criminal Justice Services grant award                     |

**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 Jim Carmichael, John Pekar, Beth Seifert, Ed Laramée, Frank Anderson, Mary Beth Lane, Jason Dolin and Scott Zody.

Mr. Dolin stated that he expects to finalize the Carroll sewer line easement with CSX railroad within the next week or so.

Mr. Dolin reported that he, Mr. Zody, and Mr. Laramée met with the Health Commissioner and representatives from the City of Lancaster to discuss the proposed de-merger of Lancaster from the combined Health District. The continued maintenance and operation of the Health Department building seems to be the driving issue, but the city does not seem to be eager to de-merge.

Commissioner Myers asked if the issue was the cost of building or something else, and Mr. Dolin stated the building is very expensive to maintain and operate. Commissioner Myers stated if Lancaster would pull out, they would still need to negotiate a contract for services with the Health Department, as it would be cost prohibitive for the city to establish its own department. Commissioner Shupe stated the Board of Health would not reduce costs, and Mr. Dolin stated the county really does not have a direct say in the matter, as the city would be negotiating with the Board of Health, not the Commissioners.

Mr. Laramée stated the Health Department is using less space in the building now because the clinic has been relocated. Commissioner Myers stated that could free up space for the proposed day-reporting center. Commissioner Shupe stated is the Board

had to provide other space it would be costly, and Mr. Laramée stated the Board should consider the overall need for the building.

Commissioner Shupe asked what the timeline would be on the de-merger, and Mr. Laramée stated the city has submitted a notice of intent to withdraw effective December 31, 2010. Commissioner Myers suggested the Board meet with Frank Hirsch to discuss.

Regarding a proposal by the Board of Developmental Disabilities (BDD) to join the county health benefits consortium, Commissioner Myers stated that he had asked Mr. Pekar to send a letter to describe the agency's commitments, which is part of the review packet. In 2010, there would be no change, but BDD has committed to paying the difference in 2011 and 2012 for any increase in county costs if the county is dropped a tier in the consortiums risk pool. Commissioner Myers stated that allowing BDD to participate in the county program would save several hundred thousand taxpayer dollars for BDD from their levies, and the county could benefit from including BDD employees with the large claims they will experience this year.

Mr. Pekar stated he would not ask to be held harmless as the county's own experience causes a drop in tier standings. Commissioner Myers asked how many BDD employees currently purchase insurance, and Mr. Pekar stated there are 90. Commissioner Myers asked how many weekly hours BDD requires to consider an employee full time, and Mr. Pekar stated 30, and acknowledged BDD would need to change that to 35 to reflect county policy.

Commissioner Myers asked what the cost would be to roll out the claims, and Mr. Pekar stated about \$120,000. Commissioner Myers asked if there is a timeline within which the Commissioners need to respond, and Mr. Pekar stated that his Board is meeting this evening, and he would discuss the issues with them, but he would like to receive an answer within the next week or so.

Commissioner Myers asked if there would be any concerns from Franklin County, and Ms. Cordle stated there were not, but the Board would need to decide soon in order for BDD employees to participate in the open enrollment process. Commissioner Shupe stated she is concerned with potential long term impacts to the county, and Mr. Pekar stated BDD is seeing improvements in their cost control, and believes their experience will actually help the county, not hurt it.

Commissioner Shupe stated she is also concerned about adding additional work on to the county HR department, and Ms. Cordle stated she would definitely need to maintain the staff she currently has in order to accommodate the addition of BDD employees.

Commissioner Myers asked about the administrative charge of 2% and where those funds go, and Ms. Cordle stated she is not sure exactly where those funds go. Mr. Pekar stated that he would be willing to have his HR chief work with Ms. Cordle to ensure there is no burden upon the county HR staff.

Commissioner Kiger asked how far back the actuary study went, and Ms. Cordle stated the actuarial information looked at 2007 and 2008 as they were the most recent full years available. Commissioner Kiger asked how soon they needed to know, and Commissioner Shupe stated the county needs to save funding, and asked if BDD had employees who are getting their insurance covered 100% by the Board, and Mr. Pekar stated there are some. Commissioner Shupe stated employees should pay their fair share, and Commissioner Myers asked how many employees received 100% insurance coverage, and Mr. Pekar stated there are 8, all contract employees.

### **10:30 a.m. Conference Call with David Conley, Dale Jacques**

The Board of Commissioners met to participate in a conference call with David Conley and Dale Jacques of Baird to discuss a possible refinancing of county bond issues.

Commissioners present were Judith Shupe, Jon Myers and Mike Kiger. Also present were Tony Vogel, John Pekar, Beth Seifert, Ed Laramée, Jason Dolin and Scott Zody.

Commissioner Shupe asked Mr. Conley if the potential savings are worthwhile, and Mr. Conley stated he believes they are, and the interest rates are as low as they are going to get. Mr. Jacques stated there are two issues in play – a 2001 bond issue for the JFS building and a 2003 multi-purpose bond issue. Mr. Jacques stated the county would save approximately \$306,000, or 6% on the 2001 bonds, and \$380,000 on the 2003 bonds.

Mr. Conley stated that he would recommend refinancing, as both bonds would save more than 3%, which is the general rule of thumb for such a move. Mr. Conley stated the size of the bonds will also be a benefit, as the larger the sale, the more attractive it becomes to investors.

Mr. Conley continued, stating that most of the legwork for the official statement was completed last year, and should only need updated, and the county rating should still be strong. Mr. Conley stated they may need to conduct a conference call with Moody's and include Mr. Laramée and one Commissioner.

Mr. Conley stated that interest rates have dropped 75 basis points in the last few weeks, which is nearly unprecedented, and rates are at historic lows, but as the stock market improves, rates will rise.

Commissioner Kiger asked if the costs would be \$228,000, and Mr. Conley stated that is correct. Commissioner Kiger asked how long the refinance period is for, and Mr. Jacques stated the term is the same, only the interest rate will be decreasing. Commissioner Kiger stated the savings would be cumulative based upon the annual savings.

Commissioner Myers asked if the county only gets one opportunity to refinance bonds, and Mr. Conley stated there is an opportunity once every 10 years, and the county will be very close to the call dates for both.

Mr. Vogel asked if the bonds would not be called until 2011 and 2013, and Mr. Conley stated that is correct, and what Baird would do is borrow the funds today, purchase Treasury notes, and use the interest earned to make the payments until the call dates on the bonds and then pay them off. Mr. Vogel asked if he would continue to make the same debt service payment until the call date, and Mr. Conley stated the funds would be taken from the proceed and add interest earned to make the payments from escrow.

Mr. Vogel asked if the interest from the refinancing would be enough to make the payments and earn interest, and Mr. Conley stated it would, as the new interest rate on the bonds would be 3% lower or more.

Mr. Conley stated that the funds would be borrowed today, and that account would pay off the old bonds until the call, and Mr. Vogel would make new payments based upon the new bonds reduced rates.

Mr. Vogel asked where he would experience the savings, as it would appear to be in the out years of the issue, and Mr. Jacques stated the savings are set up to provide average savings over the life of the bonds. Mr. Conley stated the average savings are \$28,000 per year.

Mr. Pekar stated he would like to know what his breakout would be for BDD, and commissioner Shupe asked if that is possible, and Mr. Jacques stated he could provide that information.

**11:00 a.m. Public Hearing – Basil Western Road Bridge Replacement project**

The Board of Commissioners met to conduct a public hearing on a proposed bridge replacement project by the County Engineer on Basil Western Road in Violet Township. Commissioners present were Judith Shupe, Jon Myers and Mike Kiger. Also present were County Engineer Frank Anderson, Jeff Baird, Jeff Camechis, Jason Dolin and Scott Zody.

Mr. Zody read the title of the resolution, and Mr. Anderson stated the project is part of a OPWC bridge replacement projects submitted earlier this month.

Commissioner Myers asked if there is any opposition, and Mr. Baird stated there is not. Commissioner Shupe stated the main concern from the viewing appeared to be the ability of farmers to access their field with equipment. Mr. Anderson stated there are also future improvements planned for Basil Western Road through the Federal Aid program.

On the motion of Jon Myers and second of Mike Kiger, 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.**

Mr. Laramee stated that regarding the BDD insurance, the Commissioners establish the health care program, but the Commissioners also have the ability to have their own program – the Commissioners joined the South Central consortium so BDD could join it – they are still county employees.

Commissioner Myers asked if BDD would conform to county policies, and Mr. Pekar stated he is one of the 8 contract employees and can only speak for himself. Mr. Laramee stated the contracts are similar to those like Forest Rose employees. Mr. Pekar stated there are a total of approximately 15-16 contract employees, but only 8 are getting their insurance paid for 100%. Mr. Pekar stated his Board is made up of 7 members, 5 of whom are appointed by the Commissioners and 2 by the Probate Judge. Mr. Pekar stated he is fine with changing the full time employee standard from 30 to 35 hours to conform with county policy, but the BDD Board may wish to retain authority over the collective bargaining contract agreements. Commissioner Myers asked how many employees were part of the bargaining unit and Mr. Pekar stated about 45, and noted that the contribution rate for employees would need to be addressed as well.

Commissioner Myers stated the Board needed to make a decision sooner or later. Commissioner Kiger stated his concern is for the county as a whole, and Commissioner Shupe stated she is concerned with the impact to the county HR department and Mr. Laramee has submitted a proposal to increase county employee contributions down the road. Commissioner Myers pointed out the no one knows what health insurance will look like 5 years from now, especially with some of the proposals in Washington. Mr. Pekar stated he would like to take back some of these items to the BDD Board for discussion.

Commissioner Myers asked what happens in the future, and Mr. Laramee stated that if the South Central consortium would kick BDD out, they would become the county's liability to cover them. Commissioner Shupe asked about the surcharge that South Central was threatening to put on BDD, and Mr. Pekar stated they just found out there will be no surcharge due to BDD's improved claims performance.

Commissioner Myers asked if the ADAMH employees were part of the county plan, and Ms. Cordle stated they were. Mr. Dolin asked if the Commissioners could treat employees differently under the same program, and Ms. Cordle stated the bargaining unit employees already pay different rates, as do the employees of the Soil & Water Conservation District.

Mr. Pekar stated he and the Board would be willing to work with the Commissioners relative to contract employee contribution rates as those contracts expire, and Commissioner Myers stated he did not see that as a concern, and Ms. Cordle stated she would prefer to have equalized contribution rates for all employees to make the administration easier. Mr. Pekar stated they would be willing to move towards equalization. Commissioner Shupe asked what happens if the county increases contributions for its employees, and Mr. Laramée stated no one can predict where the county will go in the future.

Ms. Cordle noted that, relative to overall rates, the county can only move up or down one tier per year, so the impact would not be too severe.

Mr. Pekar stated that relative to the contract employees, he needs to be sensitive to existing contracts and how to handle those, and his Board would need to provide input. Mr. Laramée stated there is the “richness” of the program to consider, and Mr. Pekar agreed, stating that either way, BDD stands to save money.

### **11:30 a.m. Meeting with Frank Anderson**

The Board of Commissioners met with County Engineer Frank Anderson to discuss roadway obstructions near the Village of Millersport. Commissioners present were Judith Shupe, Jon Myers and Mike Kiger. Also present were Jeff Baird, Jeff Camechis, Aundrea Cordle Ed Laramée, Jason Dolin, and Scott Zody.

Mr. Anderson stated he is concerned with signs and other obstructions in the right-of-way of Millersport Road, and Mr. Camechis added that this is more complicated than most obstruction issues, since the county owns the right-of-way in fee simple, and it is wider than the usual county road right-of-way (ROW)

Commissioner Myers asked where the obstructions were located, and Mr. Baird stated they are along Millersport Road just north of the village. Mr. Baird stated a number of items are located in the ROW, including a concrete parking lot, large signs, and other items. Mr. Baird stated the engineer is mainly concerned with obstructions within 40 feet of the centerline of the road on either side. Commissioner Myers asked who installed the guardrail shown in the pictures, and Mr. Baird stated he did not know, but it needs to go. Mr. Camechis stated the engineer met with the Board several months ago to discuss these obstructions, and the situation came to the engineer’s attention when they discovered one of the stores erecting a signpost in the ROW and instructed them to stop.

Mr. Baird stated the Revised Code prohibits signs within the ROW, and the engineer would like to send a second Prosecutor’s letter to the strip store owner to try to address these issues. Mr. Camechis added that the property has been developed over a number of years, and due to confusion over the location of the corporation line and road ROW, the owners have received conflicting direction with respect to what is permissible.

Mr. Camechis stated that when ODOT purchased the ROW and turned it over to the county, they were advised to maintain 80 feet of ROW. Mr. Dolin stated that, technically, the parking lot is an obstruction. Mr. Camechis stated the parking lot itself is not the problem, it’s the cars parking there that are the problem.

Mr. Baird stated the engineer is attempting to compromise. Commissioner Myers asked if permission had been granted for these encroachments, and Mr. Camechis stated permission has never been granted for any of the obstructions, however, at some point the village thought the area was within their jurisdiction, and granted “permission” incorrectly for some of the obstructions.

Mr. Camechis stated the question for the Board to consider is how much ROW do they wish to own and enforce – the engineer is recommending 40 feet on either side of the

centerline. The ownership actually extends 70 feet on either side of centerline, but the engineer is willing to divest the outer 30 feet of interest.

Commissioner Myers asked about the west side of the road, and Mr. Camechis stated those are mostly utility encroachments, such as water and sewer lines, but there are a few signs and fences as well.

Commissioner Myers asked if the area with the sewer line could be deeded to the village, and Mr. Camechis stated it could if the village would annex the area.

Mr. Dolin suggested that if the land were to be sold via public bid, he would ask the adjacent landowners to cover the survey costs, as they would likely be the only bidders and the county would not receive much for the land.

Commissioner Myers asked if the property owners or legal representatives were saying anything at this point, and Mr. Camechis stated they are saying nothing right now. Mr. Anderson stated the other option is for the village to annex the area.

Commissioner Shupe asked what the next step would be, and Mr. Camechis stated they would like to send the second letter and specify this would apply to objects within 40 feet of the centerline. Commissioner Myers suggested the engineer meet with the property owners as well.

#### **Review, cont.**

Regarding the Meals on Wheels (MOW) contract, Commissioner Kiger stated that the Friends Committee met last week but only had 4 members and approved 18 grants, postponing one grant for Canal Winchester until January to allow the village to rewrite the grant.

Commissioner Kiger stated many of the grants were reduced, and the grant to Community Action was zeroed out. Commissioner Shupe asked if the Friends Committee would also review the service contracts or other spending, and Commissioner Kiger stated the Friends group only looks at the grants. Commissioner Shupe stated that is part of the problem with a lack of oversight of MOW.

Commissioner Kiger stated that Community Action was zeroed out due to MOW viewing the commodities boxes that they provide being duplicative to congregate meals. Commissioner Shupe stated there is no body performing the functions of reviewing all spending, and that is what is needed. Commissioner Kiger stated the Board has an appointment to the Friends Committee, and Becky Edwards is willing to serve. The Board directed Mr. Zody to prepare a resolution to that affect.

Mr. Zody stated he would believe that any spending records of MOW relative to levy funding would be subject to public records laws, and Mr. Dolin agreed, stating that MOW is a hybrid organization, which began as a private, non-profit but is now receiving and spending public funds as well. Mr. Dolin stated the Board skirted the issue somewhat by allowing them to reconfigure their budget, and it would be a different scenario if they were merely distributing dollars instead of both distributing and spending dollars to support themselves.

Commissioner Shupe stated that is why she believes an independent board is needed. Mr. Zody stated the Commissioners have the ultimate authority over the levy funding, and it is their role to oversee and their decision to contract with MOW for those functions. Mr. Dolin stated there is also the issue of the levy ballot language

Commissioner Shupe stated there should be a board to set and distribute the levy funding, and Mr. Zody stated the Commissioners have that authority currently, since they approve the annual budget. Mr. Laramée agreed, stating that the Commissioners

appropriate the funds, and to an extent can dictate how much and where the funds are directed.

Commissioner Shupe asked where the Board goes from here, and Mr. Laramée stated that is what the contract is for – a tool for guidance and to retain the Commissioners voice in the matter. Commissioner Shupe stated the Friends group is not seeing all of the spending – just the grants. Mr. Zody stated the Commissioners have the authority to change or alter appropriations every year. Commissioner Shupe asked how that would be done, and Mr. Dolin stated that every dollar produced by the levy is touched by MOW, and the Commissioners could set limits on how much MOW spends for food, grants, services, etc. in any given year. Mr. Laramée added the Commissioners do not have to appropriate every cent every year either.

Mr. Dolin stated there is the issue of split control and authority with respect to the MOW Board and the Board of Commissioners. Commissioner Myers asked how MOW is different from another board such as Developmental Disabilities, and Mr. Zody stated the BDD Board is appointed by the Commissioners and Probate Court, MOW is appointed by their own process. The Board directed Mr. Zody to check with Phyllis Saylor to see if the contract had been approved by the MOW Board. Mr. Dolin stated the Commissioners still have the leverage of the levy dollars and the fact that those dollars are subject to transparency.

#### **1:30 p.m. Meeting Michael Orlando**

The Board of Commissioners met with Job & Family Services Director Michael Orlando to discuss the 2010 JFS budget. Commissioners present were Judith Shupe, Jon Myers, and Mike Kiger. Also present were Children Services Director Rich Bowlen, Staci Knisley, Ed Laramée, Jason Dolin and Scott Zody.

Mr. Zody stated the Board wanted to meet with Mr. Orlando and certain other agency or department heads to brief them on the budget situation for 2010.

Commissioner Myers stated that JFS is requesting \$2.6 million and at this point, the budget calls for providing \$1.8 million.

Mr. Orlando stated that he and the Board went through the process 6 months previously to adjust the JFS budget due to the state budget cuts and the Board adopted the JFS Budget Reduction Plan. The Plan called for an amount of \$2.6 million in order for JFS to get to July of 2010. The Plan has been submitted to ODJFS in order to receive continued state funding.

Mr. Orlando stated that in anticipation of some sort of budget reduction, he went back and reworked the numbers for 2010. The Public Assistance Fund is a state mandated match, and cannot be reduced. The Child Support Enforcement Fund has some flexibility due to state incentive funds that have been earned over the past several years, and some GRF reduction can be managed there. – reducing from \$362,000 to \$225,000. In addition, Mr. Orlando proposed eliminating \$100,000 that was to be used to provide a 1.5% pay raise for JFS employees in 2010, since they did not receive any increase in 2009. Mr. Orlando proposes no reduction to the \$1.8 million line item for Child protective Services.

Mr. Orlando stated he is concerned about supplanting levy funds that were intended to enhance CPS and APS, and therefore does not wish to cut that line.

Mr. Orlando stated that he is aware there is pressure on the Board to cut JFS, but looking at the history of GRF funding to JFS, it has been flat in comparison to other agencies. Mr. Orlando stated that if other agencies had been held to the same budget levels of JFS, there would be no funding crisis now. In addition, JFS has already reduced staff by 43 positions in 2009.

Mr. Orlando stated that levy supporters are waiting and watching to see the promised changes in CPS and APS, and if JFS had received the same increases other agencies had received, they would have approximately \$1.3 million in additional funding.

Commissioner Myers asked what the levy would generate, and Commissioner Kiger stated it would generate \$3.1 million per year, and Mr. Orlando stated that is assuming property values have not changed. Mr. Laramee stated the valuations have not changed. Mr. Orlando stated he has to plan for a 10-year budget, meaning he should not appropriate the entire \$3.1 million in the early years of the levy in order to plan for inflationary increases – he is already down 6 employees in CPS alone.

Commissioner Myers asked how many employees are in CPS, and Mr. Orlando stated there are approximately 40. Commissioner Shupe stated other county agencies have not had to cut like that. Commissioner Kiger stated the Commissioners do not allocate as much GRF funding to other agencies either, noting that the funding level Mr. Orlando is citing for the PA fund is more than the number the Board recently received from the state.

Commissioner Shupe stated the county has a responsibility for JFS and has to fund it. Commissioner Kiger stated the levy should provide the local share of funding, not the GRF. Commissioner Shupe stated the Commissioners have the lead to deliver services and have a legal responsibility. Commissioner Kiger stated the county only began allocating funds to CPS after they lost their previous levy in the 1990s.

Mr. Orlando asked Commissioner Kiger if he had read the plan, and Commissioner Kiger stated he has read the Plan several times, and stated he believes the GRF allocation was only to replace lost levy funding. Mr. Laramee stated the former levy was different, in that it was for Children's Services, not CPS and APS.

Mr. Laramee stated the problem as he has tried to express numerous times is with the terminology of the ballot language, and the language and Revised Code definitions have distinct meanings. He is personally concerned with the difference between Children's Services and Child Protective Services.

Mr. Laramee stated the original intention was that the levy dollars would be used to supplement CPS and APS, but no one could have predicted at the time the levy passed that the state would make cuts or the economy would suffer the downturn it has taken. Some of the levy funds must be utilized to make up for cuts for children that otherwise might be left out of the system, and the same for APS. Mr. Laramee added that instead of supplements, the levy dollars may need to be used to cover priorities due to the current fiscal situation and needs.

Commissioner Myers asked Mr. Orlando if he was stating that the \$3.1 million from the levy and the proposed \$1.8 million in GRF would be sufficient for CPS/APS, and Mr. Orlando stated the amount of GRF was grossly insufficient historically, and that is why the levy was proposed. The levy funds were always intended as a supplement, and he worked too hard on the levy to see that happen. He stated that Commissioner Kiger chaired the levy committee understanding that, and Commissioner Kiger stated that he has always maintained that the levy dollars should result in an offset of GRF funds that have been supporting CPS since the last levy was lost.

Mr. Bowlen stated this was a question raised by supporters of the levy early on, including whether or not to ask for 1 mill or 1.5 mills. Commissioner Kiger stated he has always advocated asking for 1.5 mills to totally replace GRF. Mr. Laramee stated that nobody anticipated the cuts to JFS nor the cuts to the GRF, and it is not absurd to use levy funds to backfill the GRF and state cuts. What the county can match and what it is required to match are questions that should be explored – the state formula is still the same, there are just less dollars available from the state, and so what the Commissioners are required to do may be less as well.

Mr. Orlando stated the \$3.1 million levy funds and the \$1.8 million GRF would still be insufficient. The Plan was not just “dreamed up” and the agency needs \$2.6 million to get through to 2010. Mr. Orlando stated that he could live with the 9% reduction off that.

Commissioner Kiger stated that he recalled that Mr. Orlando had once told the Board that he could operate the CPS with \$4.1 million total, and Mr. Orlando stated that he does not recall ever stating that.

Commissioner Kiger asked what about the \$500,000 the Commissioner provided to CPS for 2009 that was to be paid back in 2010, and Mr. Orlando stated that was discussed as part of the budget reduction plan and the agency could not pay that back with out laying off more employees, so it would not be paid back. Mr. Orlando stated the Commissioners could issue anticipatory notes off the levy proceed for the \$500,000, and JFS still owes the state \$400,000 to the PA Fund that will need to be paid back.

Commissioner Shupe asked if that amount was still outstanding, and Mr. Orlando stated the state is aware of it and is asking that it be repaid. Commissioner Myers asked what the \$400,000 was for, and Mr. Orlando stated it was for a supplement in 2009.

Commissioner Kiger stated the Board would still need to cut elsewhere, and if the Board increases the GRF allocation to JFS from \$1.8 million to \$2.4 million, then \$600,000 would need to be cut from other agencies.

Mr. Orlando noted that JFS jurisdiction is countywide, unlike most other agencies, and Mr. Laramie cautioned that is not the case. Mr. Orlando stated that Commissioner Kiger had stated that if JFS receives more funding, funding would have to be cut elsewhere, but if JFS had been receiving the same increase other agencies had been receiving, they would not be as bad off.

Commissioner Kiger stated that his point is that it is within the Commissioners discretion and the Board must make those decisions. The budget framework calls for \$1.8 million and if more is given, then more cuts must be made.

Mr. Orlando asked why JFS would not be entitled to those funds, and stated that commissioner Kiger is the only official who wants to cut GRF and replace it with levy funds, and that is a slap in the face to cut JFS now.

Commissioner Kiger asked if JFS could get to \$1.8 million, and Mr. Orlando stated he wants to use those funds to put into foster care placemen and use the levy funding to care for other children in need.

Commissioner Kiger stated he supported the levy to reduce the burden on the GRF and asked what JFS was doing to pull down Federal 4E funding for foster care. Mr. Bowlen stated that he has been working with Judge Williams on that issue, and they are utilizing 4E funding to help keep children out of placement.

Mr. Orlando stated that he recognizes that these are Commissioners decision and he will live with them but he does not agree this would be the right direction. It is hard to sympathize with 14% cuts to others while JFS is still down.

Commissioner Myers stated the Commissioners provided the \$500,000 advance plus an additional \$400,000 supplement that was part of an original \$619,000 supplement, and Mr. Orlando stated even with that assistance, they sit on the edge of their chairs every day waiting for other impacts.

Commissioner Kiger asked what happens when the GRF runs out of funds, and Mr. Orlando stated the same thing that occurs now – the courts will order placement and send the bill to the Commissioners. Mr. Dolin stated that in the event of a court ordered placement, there is little choice.

Commissioner Myers asked Mr. Orlando how many employees he planned to hire with the levy funds, and Mr. Bowlen stated that promises were made in 2008 to get a handle on mandated responsibilities, such as case workers to respond to calls from the Sheriff or other law enforcement, and Mr. Orlando stated the enhancements were spelled out and listed. Commissioner Shupe stated the child becomes the Commissioners responsibility.

Commissioner Kiger stated it is not his responsibility, and asked where does the Board draw the line, stating that the Commissioners should not appropriate any more than \$1.8 million, and he believes that no more than \$1million should be provided.

Mr. Zody asked how much GRF assistance JFS received in 2009, and Ms. Knisley stated the total is \$3.629 million, including all of the supplements and the \$500,000 advance. Mr. Zody noted that if the Board provides \$2.4 million plus another \$2.4 million from the levy funds that would provide over \$4.8 million for 2010. Mr. Zody added that at times the county budget cycle is referenced, and sometimes the state budget cycle is referenced, which can lead to confusion and miscommunication.

Mr. Laramee stated there needs to be focus on the county budget cycle, and the county need to cover the 3 "legs" of the JFS stool until December of 2010 – 6 months for the state fiscal year to July 1, and 6 months for the county fiscal year to December 31. Mr. Laramee stated the Board and JFS need to plan for both halves.

Mr. Orlando stated he needs to know what the county GRF numbers will be, and Mr. Laramee stated Mr. Orlando should know what the state numbers would be as well. Looking at CSEA, they are supposed to be self-supporting, and the county funding for that is somewhat discretionary. Mr. Orlando stated that the state sold the program as self-sustaining, but it has never managed to be that.

Mr. Laramee stated that CPS was intended as a county program, but with significant state support, and Public Assistance is the only mandated share. The levy dollars can be allocated for CPS and APS purposes and what can be used for the lost state funds.

Mr. Orlando stated the rules have changed, and Mr. Zody stated the rules have changed three times in the past 8 months since the Budget Reduction Plan was adopted, and the most significant change has been the assumption that the county GRF would be able to sustain its levels of support for JFS. The Plan was adopted prior to the bottom falling out of the county finances. Mr. Orlando stated the rules may changes yet again, and Mr. Zody agreed, stating that it is a near certainty that additional state cuts will be forthcoming in 2010.

Mr. Laramee stated the county GRF cannot subsidize JFS, and Mr. Orlando stated that is why he is asking for \$2.6 million instead of \$3.6 million, and he just needs to know what he will have to work with.

Commissioner Myers asked if Mr. Orlando had places to put any new people, and Mr. Orlando stated they gave up the first floor, so space would be tight.

Mr. Laramee stated if levy funds are used to cover shortfalls that is one thing, but if they are used to cover items or programs that were not intended that is something else.

Mr. Bowlen stated the priority is to spend the levy funds for mandated responsibilities regardless of the amount. Looking at the Budget Reduction Plan, we felt it was a temporary delay/hardship, and have worked with their partners and providers to hold down costs through this period, but come January 1<sup>st</sup>, 2010, his per diems will be going up.

Mr. Laramee stated that is what he has been trying to get at – what are the priorities. Mr. Orlando stated much of the levy funding was intended for investigation and referral

– instead of investigating 3 out of 10 cases, they would like to investigate 6 out of 10, and that will likely result in more children in placement. Mr. Bowlen noted that complaints are on the rise as well. Mr. Orlando asked the Board to let him know what they need and what they want.

Mr. Laramée stated the levy only comes to CPS and APS on the human services side, and Mr. Orlando stated that it needs to clear that Public Assistance and CSEA cannot use the levy funds. Mr. Laramée stated he would like to see a plain vanilla version of the JFS budget and understand what is needed and where – are we still relying on prior agreements and what needs to be reworked.

Mr. Zody stated the building lease and the levy advance in his mind are still outstanding issues, and Mr. Orlando stated the building lease was voided in the Budget Reduction Plan, and Mr. Zody stated that was only through June 30, 2010, and JFS need to enter into a new lease agreement that reflects the new lease payment schedule that Lisa Nodestone developed after researching the issue with the state.

The Board instructed Mr. Zody and Mr. Dolin to work on developing a new lease agreement with JFS. Mr. Dolin suggested incorporating the square foot occupancy numbers in case more or less space is used.

### **Review, cont.**

Ms. Knisley asked the Board if they wished to review other allocations, as she has assumed a 9% reduction to all but the mandated allocations, and if the JFS allocation is increased back to \$2.6 million, that would create a \$700,000 hole in the budget framework.

Commissioner Shupe asked if all agencies gave their 5% for 2009, and Ms. Knisley stated one agency she has not received anything from is GIS. Mr. Laramée stated that the Auditor threw that number out at the retreat, and he does not know where those funds would come from. He would expect more funds to be returned at the end of the year.

Ms. Knisley asked what would happen if the sales tax increase is approved and a referendum is filed, and Mr. Laramée stated if a resolution is adopted as a non-emergency, then a referendum could freeze the process until November, 2010.

Commissioner Shupe asked who would be cut the 9%, and Ms. Knisley stated almost all, adding that Extension initially submitted a 17% cut, based on the no new revenue scenario, but they should only be reduced 9%.

Commissioner Kiger asked what historical parks would receive, and Ms. Knisley stated that she was assuming \$140,000 minus 9%. Commissioner Kiger stated he disagreed, because the Board only committed to the additional \$100,000 if the funds were available. Commissioner Shupe stated that funding Historical Parks is a priority to her, because the parks help bring economic development to the county.

Commissioner Shupe asked Ms. Knisley where she was at with respect to meeting the budget goals, and Ms. Knisley stated she is about \$1 million short at this point, and some offices, such as the Board of Elections, Prosecutor, and Probate Court have informed her that they will not meet the 9% reduction goal. Commissioner Myers stated the Board may have to wait on Historical Parks.

Ms. Knisley asked if the Board intended to zero out the \$100,000 line item for Family, Adult and Children First, and Commissioner Kiger stated that it should be picked up by JFS again, as the Board has only funded because JFS claimed it could not – now they have the levy, it should come out of there. The Board directed Ms. Knisley to zero out the line item.

Regarding the Economic Development Director position, Commissioner Kiger asked Commissioner Shupe if she had heard any feedback from Mina Ubbing. Commissioner Shupe stated that she had contacted Travis and is trying to schedule an Executive Committee meeting to discuss. Commissioner Shupe noted that the Enterprise Zone and TIRC renewals will be coming up in January and February and the position needs to be filled soon.

Commissioner Kiger stated he remains concerned about filling the position now, and Commissioner Myers asked what it looks like going forward if the Board would tender an offer to the preferred candidate, because they probably would not be able to bring someone on board until after the holidays anyway.

Commissioner Shupe stated the position needs to be filled sooner rather than later, and noted that the Auditor is filling a vacant position in her GIS department, so why shouldn't the Board fill one of their vacancies.

Commissioner Myers suggested the assistant position could be reduced to part time, and Commissioner Kiger stated he disagreed with that, because it would reduce the efficiency of the position. Commissioner Shupe stated the position could be reduced to 35 hours and still remain full time. Mr. Dolin stated the Board could extend an offer now with the understanding that the new person would start in January. Commissioner Kiger asked if that would be in time to address the Enterprise Zones, and Commissioner Shupe stated the data collection begins in January and the meetings usually occur in March.

Commissioner Kiger asked if the Board was going to extend an offer, and Commissioner Myers suggested having Ms. Cordle up to meet on Friday to discuss.

### **Adjournment**

With no further business to come before the Board, on the motion of Jon Myers and the second of Mike Kiger, the Board of Commissioners voted to adjourn at 3:45 p.m.

Roll call vote on the motion resulted as follows:

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

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Mike Kiger  
Commissioner

Jon D. Myers  
Commissioner

Judith K. Shupe  
Commissioner

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Scott Zody, Clerk/Manager

**A SPECIAL MEETING OF THE COMMISSIONERS' IS SCHEDULED FOR FRIDAY, OCTOBER 23, 2009 AT 1:30 P.M.**