

January 26, 2012

LAKE COUNTY COMMISSIONERS' MEETING MINUTES

RAYMOND E. SINES, PRESIDENT
DANIEL P. TROY, COMMISSIONER
ROBERT E. AUFULDISH, COMMISSIONER
AMY ELSZASZ, CLERK

LEGAL COUNSEL
JOEL DIMARE, BUDGET DIRECTOR
NEWS MEDIA

(Tape 2012-0126)

CALL TO ORDER: Commissioner Sines called the meeting to order at 10:01 am, Thursday, January 26, 2012.

ROLL CALL: Upon the roll being called all were present.

APPROVAL OF MINUTES: None

OPEN TO THE PUBLIC: Commissioner Sines asked if anyone in the audience wished to address the Board.

Commissioner Sines announced that First Energy has decided to close the Eastlake, Ashtabula, and its Ottawa Coal Power Plants in Ohio effective in September. This will amount to an approximate 225 workers in Lake County. The Commissioners will continue to talk to First Energy. First Energy is saying, due to environmental regulations, it just isn't cost effective to continue operating these plants and make upgrades needed to meet federal requirements.

- Commissioner Sines wished the best to the workers in hope for a resolution that sees continuation of work for these employees.

Commissioner Aufuldish: The Willoughby-Eastlake School System will be pretty well hit on the loss of property taxes and the City of Eastlake will be losing its 2% income tax from the workers. It is very unfortunate.

Commissioner Troy: There will be an impact across the distribution system because of utility taxes. Obviously, coal is the problem. I wonder if there is a possibility or if discussion has already taken place of converting the plants from a coal base to a natural gas base.

- Commissioner Troy asked the Auditor's Office to determine what the impact will be in terms of real estate value of the Eastlake Plant.

RESOLUTIONS:

1. RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 AND PAY APPLICATION NO. 2 - FINAL TO BURTON SCOT CONTRACTORS, LLC. FOR THE PROUTY ROAD BRIDGE SUPERSTRUCTURE REPLACEMENT CONTRACT - OPWC NO. CGV04 (20120126\E01) (E-3)

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy
"NAYS": None

2. RESOLUTION CERTIFYING UNPAID SEWER AND WATER SUMS TO THE LAKE COUNTY AUDITOR (20120126\U01) (UT-7)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy
"NAYS": None

3. RESOLUTION TO DELETE A WATER SUM CERTIFIED TO THE LAKE COUNTY AUDITOR (20120126\U02) (UT-7)

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy
"NAYS": None

4. RESOLUTION ESTABLISHING A FUND TO BE KNOWN AS MENTOR MARSH SANITARY INTERCEPTOR 336S WITH VARIOUS REVENUE AND APPROPRIATION

January 26, 2012

LINES AND TRANSFERRING CASH (20120126\U03) (UT-2)

On a motion of Commissioner Troy, seconded by Commissioner Afuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Afuldish, Sines and Troy
"NAYS": None

5. RESOLUTION APPOINTING MINDY C. HUGHES TO THE LAKE COUNTY WORKFORCE INVESTMENT BOARD YOUTH COUNCIL, REPRESENTING FOSTER YOUTH, TO A NEW TERM ENDING FEBRUARY 14, 2014 (20120126\JFS01) (B-24)

Commissioner Afuldish and Matt Battiato, Job and Family Services Director briefly discussed that Resolutions, 5, 6 & 7 will bring the board to full membership status.

On a motion of Commissioner Afuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Afuldish, Sines and Troy
"NAYS": None

6. RESOLUTION APPOINTING CAROLYN O'CONNOR TO THE LAKE COUNTY WORKFORCE INVESTMENT BOARD TO COMPLETE AN UNEXPIRED TERM ENDING FEBRUARY 14, 2014 (20120126\JFS02) (B-77)

On a motion of Commissioner Troy, seconded by Commissioner Afuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Afuldish, Sines and Troy
"NAYS": None

7. RESOLUTION APPOINTING CERTAIN INDIVIDUALS TO THE WORKFORCE INVESTMENT BOARD FOR THREE YEAR TERMS ENDING FEBRUARY 14, 2015 (20120126\JFS03) (B-77)

On a motion of Commissioner Afuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Afuldish, Sines and Troy
"NAYS": None

8. RESOLUTION ACCEPTING THE RETIREMENT RESIGNATION OF BARRY D. LUTHANEN FROM THE LAKE COUNTY BUILDINGS AND GROUNDS DEPARTMENT, EFFECTIVE JANUARY 31, 2012 (20120126\C01) (P-7)

On a motion of Commissioner Troy, seconded by Commissioner Afuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Afuldish, Sines and Troy
"NAYS": None

9. RESOLUTION AUTHORIZING EXECUTION OF A PHARMACY DIVERSION SUB-GRANT AWARD AGREEMENT (#2011-JG-A01-6447) IN THE AMOUNT OF \$56,100.00 WITH THE OFFICE OF CRIMINAL JUSTICE SERVICES, EFFECTIVE JANUARY 1, 2012 THROUGH DECEMBER 31, 2012 (20120126\C02) (CT-17a)

On a motion of Commissioner Afuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Afuldish, Sines and Troy
"NAYS": None

10. RESOLUTION AUTHORIZING THE LAKE COUNTY BOARD OF COMMISSIONERS TO ENTER INTO A FEDERAL EQUITABLE SHARING AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE AND THE UNITED STATES DEPARTMENT OF THE TREASURY ON BEHALF OF THE LAKE COUNTY PROSECUTING ATTORNEY'S OFFICE TO RECEIVE FEDERALLY FORFEITED PROPERTY AND/OR FUNDS (20120126\C03) (CT-8con)

On a motion of Commissioner Troy, seconded by Commissioner Afuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Afuldish, Sines and Troy
"NAYS": None

11. RESOLUTION AUTHORIZING EXECUTION OF AMENDMENT I TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS ON BEHALF OF THE LAKE COUNTY STORMWATER MANAGEMENT DIVISION AND CT CONSULTANTS, INC. FOR THE LAKE ROAD

January 26, 2012

STORM SEWER OUTFALL PROJECT IN MADISON TOWNSHIP (20120126\C04) (E-3)

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy
"NAYS": None

12. RESOLUTION AMENDING THE AGREEMENT BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS ON BEHALF OF THE LAKE COUNTY STORMWATER MANAGEMENT DIVISION AND MADISON TOWNSHIP FOR REGIONAL WATERWAYS MAINTENANCE (20120126\C05) (UT-46a)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy
"NAYS": None

13. RESOLUTION APPROVING CHANGE ORDER 1 FOR OHIO PAVING & CONSTRUCTION CO., INC. FOR THE LAKE COUNTY CRIME LABORATORY ADA COMPLIANCE AND RENOVATION PROJECT FOR THE LAKE COUNTY PROSECUTOR'S OFFICE, INCREASING THE NET AMOUNT BY \$42,772.88 (20120126\C06) (CT-18)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy
"NAYS": None

14. RESOLUTION AUTHORIZING EXECUTION OF BACKBONE EQUIPMENT PURCHASE AGREEMENTS BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS AND VARIOUS LAKE COUNTY GOVERNMENTAL ENTITIES AND AGENCIES FOR USE IN LAKE COUNTY 800/700 MHZ RADIO SYSTEM (20120126\C07) (404-V)

Paul Stefanko, Telecommunications Director: Resolution 14 and 15 are related and pertain to two contracts each for each community in Lake County. Resolution 14 is for the balance of the radio system, which is \$881,000 distributed among all of the communities. The total cost of the system was \$10.6 million and through efforts of the Commissioners, EMA, and the Telecommunications Department, Lake County has been able to reduce the cost to all of the communities by over 91%. Resolution 15 is an air time contract and that is for the communities, public safety police and fire, and the schools to use the radio system through December 2025. Currently, there are two channels on the air that are being tested. All of the contracts have been signed by all of the communities, police and fire, and schools. We continue to work with Michigan, Pennsylvania, Northern Border Officers, Coast Guard, and Ohio MARCS in this regional interoperable radio system. The schools, Utilities Department, and Engineers will be the first to be on the new system. Once these groups are completely operational with no problems public safety will go online. The plan is for the system to be complete within four to five months.

Commissioner Sines: Paul, we want to thank you. A \$10 million investment would of been a huge hit for all involved and with your efforts to secure grants helped tremendously. You are to be commended.

Paul Stefanko: This was a team effort and it is clearly with the Commissioner's efforts and other departments that made this a reality.

Commissioner Aufuldish: Maybe a letter should go out to everyone listed in exhibit A explaining how much we have managed to save for them.

Commissioner Troy: I too want to compliment Paul. The fact that this started approximately 30 years ago when they were going to build the nuclear power plant. The county has been the lead agency on managing the upgrades, programming, etc... I hope that our communities understand this because in other places in the state, it is the communities' total responsibility to come up with their safety forces' telecommunications. Through the county's efforts and Paul's efforts to identify external money, the cost has been reduced. We are fortunate that we have this system and it is probably the envy of the State of Ohio.

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy
"NAYS": None

January 26, 2012

15. RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS AND VARIOUS LAKE COUNTY GOVERNMENTAL ENTITIES AND AGENCIES FOR USE OF AN 800/700 MHZ RADIO SYSTEM (20120126\C08) (404-V)

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy
"NAYS": None

16. RESOLUTION REQUESTING THAT THE LAKE COUNTY BUDGET COMMISSION REPEAL THE ALTERNATIVE LOCAL GOVERNMENT FUND DISTRIBUTION FORMULA PURSUANT TO OHIO REVISED CODE SECTION 5747.53 (20120126\C09) (C-9)

Commissioner Troy: This involves the Local Government Fund. It has been in existence since the mid 30's in Ohio, and it is the state sharing tax revenues with local governments. The state determines the size of the pot based on percentages of taxes. There is an amount that goes to each county, then there is a distribution that takes place within the county. There is a statutory formula for distribution of the local government fund within the counties. This formula clearly states that the county general fund gets at least 30%. However, the law does allow for the formulation of an alternative distribution formula. An alternative distribution formula was adopted by Lake County in 1982, which requires an affirmative vote by the Board of County Commissioners, the legislative authority of the largest city, and the legislative authority of 50% of the other comprised communities. Lo and behold during the budget process in Columbus last year, there was a proposed amendment that basically established a new 30% fixed county share formula of the undivided local government fund and eliminated any alternative formulas. This created all kinds of consternation in most of the counties because the alternative formulas that had been agreed to around the state had increased the county share significantly over 30%. Carroll County and Holmes County is actually at 60%, Licking County at 50%, Medina County at 40%, Geauga County at 38%, and Ashtabula County at 36%. There are only about seven counties that remain at the statutory 30%. This list showed all of these counties in the red and showed this huge black number for Lake County. After digging up a lot of information it was discovered for some reason in 1982, all of the parties agreed to an alternative formula of 11%. For 30 years, this county has been taking an 11% share of the local government fund when statutorily it could have been getting 30%. The City of Mentor, City of Willoughby and Eastlake are actually getting \$1 million more than the county. This was and is a bad deal for the county general fund then and in 2012! This Board will take every step we can to address our budgetary problems. The law says that we can only revisit this issue once every five years and this would have to be done by the end of January this year. By this particular resolution we are asking the Lake County Budget Commission to repeal the alternative local government fund distribution formula pursuant to Ohio Revised Code Section 5747.53. As I said Tuesday, the local governments in this county, in terms of the local government fund, have had the sweetest deal in the State of Ohio for the last 30 years. We estimate that the county has lost \$75 - \$125 million that was not available for this county's general fund expenditures, but was available and distributed to all of the other communities to deal with their needs. Under current law, a new alternative formula will require an affirmative vote of the Lake County Board of Commissioners, the legislative authority of the largest community in the county, and the legislative authority of 50% of the other communities.

Commissioner Aufuldish: The largest city that needs to agree to do this actually receives more government dollars than the county.

Commissioner Sines: You can see the frustrations that we have gone through in looking at every line item, every funding program, and this one stuck out like a sore thumb! And, as Commissioner Troy said, the majority of the counties in the state are well above 30% and we are at 11%. Okay, we have given millions of dollars to the cities and we can't recover that! I think that conversation needs to happen. We hear all of the time that the county is not doing enough for the municipalities, etc... This is a good example where the county has been generous in this formula to give those local subdivisions quite a bit more. We need to educate people exactly what the obligations are of county government. This will provide an opportunity to have conversation and we look forward to that.

Commissioner Troy: Lake County pays all of the NOACA dues for all of the member communities and every community in the county is a member. In the other counties, NOACA dues are individually paid for by the individual member communities with the exception of one. Lake County uses our resources from the Lake County Landfill for recycling grants that go back to the communities.

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy
"NAYS": None

January 26, 2012

17. RESOLUTION APPROVING PAYMENT OF BILLS AS LISTED ON THE COMMISSIONERS' APPROVAL JOURNAL IN THE AMOUNT OF \$2,072,600.60 (20120126\BC01) (C-4)

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy
"NAYS": None

18. RESOLUTION APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$682,544.44 (20120126\BC02) (C-17)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy
"NAYS": None

19. RESOLUTION INCREASING APPROPRIATIONS FOR VARIOUS GENERAL AND NON GENERAL FUND ACCOUNTS (20120126\BC03) (C-111)

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy
"NAYS": None

20. RESOLUTION TRANSFERRING CASH AND APPROPRIATIONS WITHIN VARIOUS GENERAL AND NON GENERAL FUND ACCOUNTS (20120126\BC04) (C-111)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy
"NAYS": None

UTILITIES: Al Saari, Sanitary Engineer: Commissioner Aufuldish had asked at the last meeting what the bid was for the Management and Operation of the Landfill back in 2005. It was \$1.458 million, a five-year contract with an escalation clause for inflation of 2% per year. If you added the 2% escalation clause since 2005 per year, the current bid would come out less than \$5,000 at \$1.637 million.

STORMWATER: None

JOB AND FAMILY SERVICES: None

ADMINISTRATIVE SERVICES: None

FINANCE: Commissioner Sines: We continue are budget hearings.

CLERK: None

LEGAL: None

OLD BUSINESS: There was no old business.

NEW BUSINESS: Commissioner Troy: The county was under the impression that every year we were required to appoint an Apiary Inspector and I have just found out that it is not required under the Ohio Revised Code. But, it serves a good purpose, we are learning every day, so, even though I guess we'll keep the program!

PUBLIC COMMENT: Commissioner Troy gave further explanation regarding the local government fund and the distribution within the county when asked by John Muzik, Painesville Township.

EXECUTIVE SESSION: None

ADJOURN: On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the Board

January 26, 2012

adjourned the meeting at 10:35 am, with the vote as follows:

"AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

Minutes approved this 9th day of February, 2012.

BOARD OF LAKE COUNTY COMMISSIONERS

RAYMONDE. SINES, PRESIDENT

DANIEL P. TROY, COMMISSIONER

ROBERT E. AUFULDISH, COMMISSIONER

AMY ELSZASZ, CLERK