

September 2, 2010

LAKE COUNTY COMMISSIONERS' MEETING MINUTES

DANIEL P. TROY, PRESIDENT

RAYMOND E. SINES, COMMISSIONER

ROBERT E. AUFULDISH, COMMISSIONER

LEGAL COUNSEL

MIKE MATAS, BUDGET DIRECTOR

AMY ELSZASZ, CLERK

NEWS MEDIA

(Tape 2010-0902)

CALL TO ORDER: Commissioner Troy called the meeting to order at 10:08 am, Thursday, September 2, 2010.

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

APPROVAL OF MINUTES: None

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

Arzela Melnyk, Kirtland addressed the Board that approximately one year ago Lake County residents requested that the Commissioners rescind the resolution passed in October 2005 in support and endorsing the Mexican Matricula Card. Ms. Melnyk asked if a final decision had been made.

Commissioner Sines: It takes two people to sign a resolution to rescind it. I am fine with the resolution as it stands.

Commissioner Troy: We have been through this before, we passed a resolution in 2005, which was a statement of opinion and we didn't endorse its use. This was a unanimous vote and we have not taken any further action to reconsider or rescind it. We just have a difference of opinion on this.

Commissioner Aufuldish: I agree with my fellow commissioners. We represent the citizens of Lake County, they put us in this office. We look at all of the information on every issue and make our decision.

Claudia Leonard, Concord addressed the Board to also confirm if the 2005 resolution is going to stand.

- All three Commissioners agreed that without two signatures to place it on the agenda for reconsideration, the 2005 resolution stands.

- Ms. Leonard understands passing a goodwill resolution honoring an Eagle scout or Lake County resident with outstanding service, but, does not agree with the Commissioners having passed a goodwill gesture resolution recognizing a foreign country I.D. card.

Commissioner Troy: It is well established that a board of county commissioners is a creature of statute that may exercise only those powers conferred upon it expressly by statute or as may be implied by necessity in order to facilitate the exercise of another express power. A ceremonial resolution by the county commissioners, including such resolutions as congratulations or good wishes or supporting some additional concept, recognition of achievement or others passed in response to requests to do so, but not exercising statutory authority, are not legislative and merely express the opinion of those who vote for it. It is well documented that we did have a representative from the equivalent of our state department from the Republic of Mexico come in and make a presentation. The Prosecutor's Office was asked to draft a resolution, which was totally non-binding, non-mandating, non-urging in terms of compliance and utilization of the particular card.

John Muzik, Painesville Township addressed the Board that he too has asked for the Commissioners to revisit the 2005 resolution and stated he still feels it is wrong and that it should be readdressed. Mr. Muzik has also asked the Commissioners to pass a resolution in support of Arizona's immigration laws and felt he has been put off and feels he is owed an answer.

Commissioner Aufuldish: I will not vote yes on a resolution to support that law.

Commissioner Troy: At this point there have been local governments that have passed resolutions condemning and opposing the State of Arizona. I personally am not going to condemn the State of Arizona, and at this point I am not comfortable commenting on the law that was passed in Arizona one way or the other.

Commissioner Sines: Unfortunately this issue has gotten to a point where people are frustrated with

September 2, 2010

the federal government in dealing with the immigration issues. I do not have a problem with identifying people. That is the number one problem with the Sheriff is the identification of people who are or aren't illegal.

Mr. Muzik: I wouldn't be here if you hadn't passed the resolution in 2005. If you want to stay out of immigration, stay out of immigration and I would understand and respect that. Thank you.

Commissioner Troy: Thank you, Mr. Muzik. Again, we do not mandate acceptance of that card. I am looking at a news article regarding the September 2005 presentation, and it says every Mexican citizen living outside of the country can get a consular issued I.D. card. The Mexican Consular representative requested that the Commissioners recognize the card as irrefutable identification of a Mexican citizen. Identifying someone as a Mexican citizen does not confer any type of immigration status legally or illegally. The assumed advantage to Lake County is this is some sort of pictorial identification, and the advantage to the consulates is they know the location of Mexicans living outside of their country. Again, we have yet to hear from the Sheriff, Homeland Security, FBI, Police Departments, Health Department or Job and Family Services that there has been an attempt to utilize this particular card. Again, we have different opinions.

- Ms. Melnyk commented that as a Lake County resident she is offended that the Commissioners will not even attempt to support the Arizona resolution when they were so quick to pass a resolution from the Mexican government.

John Murphy: Help is on its way! There is a 1-800 number that you can report an illegal, which will respond within 35 - 45 minutes.

RESOLUTIONS:

1. RESOLUTION FINDING AND DETERMINING THAT THE TERRITORY TO BE USED BY THE MADISON TOWNSHIP BOARD OF TRUSTEES TO CONSTRUCT ARMOR STONE SEGMENTED BARRIER STRUCTURES FOR SHORE PROTECTION TO SAID ODNR SPECIFICATIONS ALONG THE SHORELINE OF THE PROPERTY FOR EROSION PROTECTION IN LAKE ERIE, MADISON TOWNSHIP, IS NOT REQUIRED FOR USE BY LAKE COUNTY AND COMPLIES WITH REGULATIONS OF PERMISSIBLE LAND USE (20100902\E01) (C-88)

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

2. RESOLUTION AWARDED A BID CONTRACT IN THE AMOUNT OF \$610,500.00 TO MORTON SALT FOR UNTREATED BULK ROCK SALT AS REQUIRED BY THE LAKE COUNTY ENGINEER (20100902\E02) (E-3)

Commissioner Aufuldish and Jim Gills, County Engineer briefly discussed this year's purchase of salt is a little less expensive than last year.

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

3. RESOLUTION AUTHORIZING CHANGE ORDER NO. 1-FINAL IN THE AMOUNT OF \$5,234.85 TO GRADE LINE, INC. FOR THE AUBURN ROAD - PHASE A AND WILLIAMS ROAD - PHASE B CULVERT REPLACEMENT CONTRACT (20100902\E03) (E-3)

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

4. RESOLUTION APPROVING CONTRACT MODIFICATION NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH RICHLAND ENGINEERING LTD. FOR ODOT'S LEVEL 1 ECOLOGICAL REPORT FOR THE REPLACEMENT OF THE LEROY THOMPSON ROAD BRIDGE OVER PHELPS CREEK IN LEROY TOWNSHIP (20100902\E04) (E-3)

On a motion of Commissioner Sines, seconded by Commissioner Aufuldish, the foregoing resolution

September 2, 2010

was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy
"NAYS": None

5. RESOLUTION APPROVING FINAL ESTIMATE NO. 4 (RELEASE OF RETAINER) IN THE AMOUNT OF \$8,310 WITH INLAND WATERS POLLUTION CONTROL, INC. AND ACCEPTING A MAINTENANCE BOND IN THE AMOUNT OF \$19,940.50 FOR BELLFLOWER AREA SANITARY SEWER REHABILITATION PROJECT NO. 314-S, FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES (20100902\U01) (UT-4)

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

6. RESOLUTION CERTIFYING UNPAID SEWER AND WATER SUMS TO THE LAKE COUNTY AUDITOR (20100902\U02) (UT-7)

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

7. RESOLUTION INCREASING APPROPRIATIONS AND TRANSFERRING CASH (20100902\U03) (UT-2)

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

8. RESOLUTION INCREASING APPROPRIATIONS FOR LCDU WATER DISTRICT 279W ASSESSMENT DISTRIBUTION (20100902\U04) (UT-2)

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

9. RESOLUTION TRANSFERRING APPROPRIATIONS WITHIN LAKE COUNTY SEWER DISTRICT AND SOLID WASTE DISTRICT (20100902\U05) (UT-2)

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

10. RESOLUTION RECLASSIFYING DAVID WOODFORD TO THE POSITION OF INSPECTION SUPERVISOR IN THE LAKE COUNTY DEPARTMENT OF UTILITIES, EFFECTIVE AUGUST 30, 2010 (20100902\U06) (UT-3)

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

11. RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS ON BEHALF OF THE LAKE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES AND THE COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO, LOCAL 4340 (20100902\JFS01) (JFS-2)

Commissioner Troy: The bargaining contract with Job and Family Services expired on July 1, 2010. This resolution will enter into a new 3-year contract. The parties agreed that there will be no increase in compensation for the period starting July 1st of 2010 until July 1st of 2011. There are wage re-opener discussions that are part of this contract that would take place prior to July 1st 2011 and July 1st 2012. We want to thank the employees and their bargaining unit for realizing the difficult situation and salute them for working with the County Commissioners. This will allow us to keep

September 2, 2010

the front line of services that are provided to the citizens of Lake County. A key factor is the state budget because it is where the funding for local Job and Family Services Departments primarily comes from, and will be a factor in discussions next year.

Commissioner Aufuldish: We thank the workers and the unions for their understanding during these difficult times. Commissioner Sines: In this environment today, I don't think that there is a local government in the State of Ohio that is not looking at reductions in their budgets. Delivery of service and our employee wages are the biggest numbers in terms of our budget. It has been great that the employees are willing to work together to do the best job that we can for the residents and provide a budget that can stabilize the county without raising the taxes.

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

12. RESOLUTION REMOVING DRAINAGE CHARGES OF THE LAKE COUNTY SEWER, WATER AND DRAINAGE DISTRICT (20100902\C01) (UT-46)

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

13. RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS AND THE STATE OF OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES FOR OPERATING AND MAINTAINING THE MULTI-AGENCY RADIO COMMUNICATION SYSTEM (MARCS) (20100902\C02) (404-a13)

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

14. RESOLUTION AWARDED A BID CONTRACT IN AN AMOUNT NOT TO EXCEED \$28,845.60 TO AGILENT TECHNOLOGIES, INC. FOR AN AUTOSAMPLER FOR A HEADSPACE GAS CHROMATOGRAPH FOR THE LAKE COUNTY CRIME LABORATORY (20100902\C03) (CT-18)

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

15. RESOLUTION INCREASING APPROPRIATIONS FOR VARIOUS NON GENERAL FUND ACCOUNTS (20100902\BC01) (C-111)

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

16. RESOLUTION TRANSFERRING CASH AND APPROPRIATIONS WITHIN VARIOUS GENERAL AND NON GENERAL FUND ACCOUNTS (20100902\BC02) (C-111)

On a motion of Commissioner Sines, 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 reported the results from the McMackin Road Waterline Madison Township bid as follows:

(3) bids were received

The Engineer's estimate was \$169,000

High bid was \$185,400.76

Apparent low bid was Noce Enterprises, Willoughby Hills at \$161,954.80. This is a little over 4% under the estimate.

- Brief discussion that on September 14, 2010 at 6:30 pm there will be an informational meeting to discuss the proposed Tap-In Reimbursement for the Sanitary Sewer between the Noble Ridge and Summerwood Subdivision to be held at Concord Township Hall.

STORMWATER: Commissioner Troy and Tim Miller, Director briefly discussed that a proposed

September 2, 2010

memorandum of understanding that has been mailed to the City of Willowick regarding the East 322nd Street Outfall Project will be considered at next week's Commissioners' Meeting.

JOB AND FAMILY SERVICES: Matt Battiato, Director thanked Bill Vidmar of CWA for his help in the negotiation of the labor contract.

Bill Vidmar, CWA: I think both sides of the table understood the needs and the limitations. And, I think it is a credit to both sides that we were able to get through the process quickly.

Matt Battiato, Director: John Hutchinson of the News-Herald has been selected as the journalist of the year by the Public Children Services Association of Ohio. I had nominated John and submitted all of the articles he has written this year regarding children services in Lake County. Congratulations! There will be an award ceremony October 7th in Columbus.

Commissioner Troy: I would also like to congratulate John for going above and beyond! John also received the Jack Miller award from the ADAMHS Board a couple years ago because of the work he has done in extensive reporting about the operations and services available through our mental health and child abuse network in Lake County.

ADMINISTRATIVE SERVICES: None

FINANCE: None - Donna Tyson was present on behalf of Mike Matas.

CLERK: None

LEGAL: None

OLD BUSINESS: There was no old business.

NEW BUSINESS: Commissioner Troy: The County Commissioners Association is developing its legislative platform for the next term of General Assembly (2011- 2012). It is going to be a whole different relationship between local governments and the State in terms of the next budget. Comments, changes and suggestions from any of our departments in regards to service responsibilities that might allow more efficiency is welcomed by CCAO.

PUBLIC COMMENT: Commissioner Troy briefly clarified with John Muzik of Painesville that it was a representative for the Nursery Growers of Lake County that expressed that the Commissioners' should not revisit the Mexican Matricula I.D. issue. The Mexican Consulate has never asked the Commissioners to revisit or not revisit this issue.

Commissioner Troy: The next Commissioners' Meeting will be on Thursday, September 9, 2010 at 10 am.

EXECUTIVE SESSION: On a motion of Commissioner Sines, seconded by Commissioner Aufuldish, the Board convened an Executive Session at 11:01 am to discuss personnel compensation, with the vote as follows:

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

The Lake County Board of Commissioners recessed Executive Session at 11:01 am.

The Lake County Board of Commissioners reconvened Executive Session at 11:05 am.

On a motion of Commissioner Sines, seconded by Commissioner Aufuldish, the Board terminated the Executive Session at 11:45 am, with the vote as follows:

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

ADJOURN: On a motion of Commissioner Aufuldish, seconded by Commissioner Sines, the Board adjourned the meeting at 11:45 am, with the vote as follows:

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

Minutes approved this 23rd day of September, 2010.

September 2, 2010

BOARD OF LAKE COUNTY COMMISSIONERS

DANIEL P. TROY, PRESIDENT

RAYMOND E. SINES, COMMISSIONER

ROBERT E. AUFULDISH, COMMISSIONER

AMY ELSZASZ, CLERK