

LAKE COUNTY COMMISSIONERS' MEETING MINUTES

DANIEL P. TROY, PRESIDENT
KEVIN D. MALECEK, COMMISSIONER
JUDY MORAN, COMMISSIONER
JENNIFER BELL, CLERK

JASON W. BOYD, ADMINISTRATOR
LEGAL COUNSEL
JOEL DIMARE, BUDGET DIRECTOR
NEWS MEDIA

(Tape 2015-0730)

CALL TO ORDER: Commissioner Troy called the meeting to order at 10:05 a.m., July 30, 2015.

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

OPEN TO THE PUBLIC: Commissioner Troy asked if anyone in the audience wished to address the Board. Ms. Arzella Melnyk, 10506 Hobart Road in Kirtland, stated that Lake County is listed as a sanctuary city-county online. She stated that Congress is considering legislation to not fund sanctuary cities and she asked what the Commissioners plan to do to be sure they still receive federal funding should this become law? Commissioner Troy replied that Lake County is not a city nor is it a sanctuary city-county. The County cannot take legislative action on immigration. The City of Painesville is not a sanctuary city and reported on a resolution adopted by Painesville City Council in 2008 that they support the enforcement of immigration laws. Whoever is perpetuating the myth of sanctuary cities in lake county is providing false information. The County does continue to receive federal grants and the County has not had any indication that it is jeopardy for receiving any grants. Ms. Melnyk stated that the legislation has not passed at the federal level yet but in order to avoid the situation of being a sanctuary city or county and not receiving federal funding this designation should be removed. She stated that she can send an email to the commissioners citing the websites where sanctuary cities are listed. Endorsing a matricula consular identification card is considered a type of welcome mat and law enforcement in Lake County sometimes accepts the card as a form of identification. Commissioner Troy stated that too is a false statement. Law enforcement in Lake County does not accept the matricula consular card as identification. The County is comfortable that they are already in a position where they have not jeopardized any federal funding. Mr. John Muzik, 45 Coventry Drive in Painesville Township, stated when representatives from the Mexican Consulate from Detroit visited Lake County and asked for support of the matricula card he gave the Commissioners information regarding the unreliability of the cards and he asked that the resolution supporting these cards be revisited by the Commissioners. In his opinion, the only reason people need this card is if they are not in this Country legally. Mr. Chuck Coulson, Lake County Prosecutor, explained that as a lawyer for the County Commissioners and law enforcement, he is not aware of a time when the card was used as identification for anything. He stated that it is a non-issue as far as the Police Department and the County is concerned. It is just an ID card issued by the Mexican government. He has seen many police reports and he has never seen the card used as identification. If anyone breaks the law in Lake County they will be charged and prosecuted for violating the law. It doesn't give people any additional rights whatsoever. Mr. Muzik stated that this is a card issued by the Mexican government to those living abroad and they may be in the Country illegally. There is no database that can be viewed. HOLA magazine once wrote an article about the benefits of the resolution at one time. Commissioner Moran stated that she is a member of the Narcotics Board and they receive a good portion of their funding from federal funds and if she thought for one second it would be jeopardized she would be the first to be sure that no federal funding is lost. Commissioner Moran stated that the websites that indicate sanctuary cities are not affiliated with the government. The Commissioners have no power when it comes to immigration. Commissioners can only uphold the laws of the State of Ohio. Ms. Melnyk stated that she understands that the Commissioners cannot make a law, but the Commissioner have passed a resolution to endorse something that involves identification for immigrants. Commissioner Troy disagreed because if the card indicates that the individual is a citizen of Mexico that does not bestow any special status in terms of immigration.

RESOLUTIONS:

1. **RESOLUTION INCREASING APPROPRIATIONS FOR LCDU WATER DISTRICT CONTRACT SERVICES(20150730\U01)(UT-2)**
On a motion of Commissioner Moran, seconded by Commissioner Malecek, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Troy, Malecek and Moran "NAYS": None
2. **RESOLUTION ESTABLISHING AN APPROPRIATION LINE ITEM TO BE KNOWN AS FAIRPORT NURSERY ROAD WATERLINE REPLACEMENT 359-W EASEMENTS AND INCREASING APPROPRIATIONS AND TRANSFERRING CASH FROM LCDU WATER DISTRICT(20150730\U02)(UT-2)**
On a motion of Commissioner Moran, seconded by Commissioner Malecek, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Troy, Malecek and Moran "NAYS": None
3. **RESOLUTION AWARDDING A BID CONTRACT IN THE AMOUNT OF \$237,457.50 TO UNITED SURVEY FOR HEIDI PARK SANITARY SEWER REHABILITATION PROJECT 365-S(20150730\U03)(UT-8)**
On a motion of Commissioner Moran, seconded by Commissioner Malecek, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Troy, Malecek and Moran "NAYS": None
4. **RESOLUTION AWARDDING A BID CONTRACT IN THE AMOUNT OF \$437,100.00 TO UNITED SURVEY FOR CEDAR GLEN SANITARY SEWER REHABILITATION PHASE 2 PROJECT 334-S(20150730\U04)(UT-8)**
On a motion of Commissioner Moran, seconded by Commissioner Malecek, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Troy, Malecek and Moran "NAYS": None

5. **RESOLUTION CERTIFYING UNPAID SEWER AND WATER SUMS TO THE LAKE COUNTY AUDITOR(20150730\U05)(UT-7)**
On a motion of Commissioner Moran, seconded by Commissioner Malecek, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Troy, Malecek and Moran "NAYS": None
6. **RESOLUTION ESTABLISHING TAP-IN CHARGES FOR RIVER ROAD WATERLINE IN MADISON TOWNSHIP(20150730\U06)(UT-17)**
On a motion of Commissioner Moran, seconded by Commissioner Malecek, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Troy, Malecek and Moran "NAYS": None
7. **RESOLUTION AUTHORIZING EXECUTION OF AMENDMENT I TO THE IV-D SERVICE CONTRACT BETWEEN THE LAKE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES CHILD SUPPORT ENFORCEMENT DIVISION AND THE LAKE COUNTY DOMESTIC RELATIONS COURT FOR CHILD SUPPORT SERVICES(20150730\JFS01)(JFS-2)**
On a motion of Commissioner Moran, seconded by Commissioner Malecek.
Commissioner Troy stated that this resolution is amending an agreement between the Lake County JFS Department and Domestic Relations Court for child support services. These are Federal Funds that are received through the State of Ohio, and 64% of the costs is covered by the Federal Funds with a 36% match.
The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Troy, Malecek and Moran "NAYS": None
8. **RESOLUTION AMENDING THE POLICY GOVERNING PARTICIPATION IN THE LAKE COUNTY LIFE AND HEALTH INSURANCE PROGRAM OFFERED BY THE LAKE COUNTY BOARD OF COMMISSIONERS TO ITS EMPLOYEES AND TO LAKE COUNTY POLITICAL SUBDIVISIONS(20150730\C01)(INS)**
On a motion of Commissioner Moran, seconded by Commissioner Malecek.
Mr. Joel Dimare, Budget Director, reported that the next three resolutions deal with health insurance and the changes are effective September 1, 2015. The County has a new healthcare plan offered called "Point of Service", which is a strategy for new employees where lower-cost facilities are and benefits are better. There will be a 20% cost savings for the employee and the County. The second resolution establishes the rates for County employees and the third resolution establishes the rates for the Health District.
Commissioner Troy stated that this only affects new employees beginning September 1, 2015. The purpose of the change is to continue to provide affordable health insurance for our employees into the future.
The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Troy, Malecek and Moran "NAYS": None
9. **RESOLUTION AMENDING THE LAKE COUNTY EMPLOYEES' SHARE OF THE MONTHLY PREMIUM FOR MEDICAL AND DENTAL INSURANCE COVERAGE, EFFECTIVE JANUARY 1, 2015 THROUGH DECEMBER 31, 2015(20150730\C02)(INS)**
On a motion of Commissioner Moran, seconded by Commissioner Malecek, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Troy, Malecek and Moran "NAYS": None
10. **RESOLUTION ESTABLISHING THE MONTHLY PREMIUMS FOR MEDICAL AND DENTAL INSURANCE COVERAGE FOR SUB-GOVERNMENT ENTITIES PARTICIPATING IN THE COUNTY EMPLOYEE HEALTH PLANS, EFFECTIVE JANUARY 1, 2015 THROUGH DECEMBER 31, 2015(20150730\C03)(INS)**
On a motion of Commissioner Moran, seconded by Commissioner Malecek, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Troy, Malecek and Moran "NAYS": None
11. **RESOLUTION ACCEPTING THE SUBSIDY GRANT FOR SMART OHIO PILOT FUNDING AND AUTHORIZING EXECUTION OF THE GRANT AGREEMENT BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS ON BEHALF OF THE LAKE COUNTY ADULT PROBATION DEPARTMENT AND THE OHIO DEPARTMENT OF REHABILITATION AND CORRECTION(20150730\C04)(CT-3)**
On a motion of Commissioner Moran, seconded by Commissioner Malecek, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Troy, Malecek and Moran "NAYS": None
12. **RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS AND LAKE-GEAUGA HABITAT FOR HUMANITY, INC. FOR PRIOR YEARS HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS(20150730\C05)(C-46)**
On a motion of Commissioner Moran, seconded by Commissioner Malecek.
Ms. Marian Norman, HOME Program Director, stated that Lake-Geauga Habitat for Humanity has applied for funding and owns property in Painesville on Chardon Street and they are anxious to get to work and break ground, which is why they are selecting to use prior year HOME program funds.
The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Troy, Malecek and Moran "NAYS": None
13. **RESOLUTION APPROVING PAYMENT OF BILLS AS LISTED ON THE COMMISSIONERS' APPROVAL JOURNAL IN THE AMOUNT OF \$1,356,328.65(20150730\BC01)(C-4)**
On a motion of Commissioner Moran, seconded by Commissioner Malecek, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Troy, Malecek and Moran "NAYS": None
14. **RESOLUTION APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$473,755.20(20150730\BC02)(C-17)**
On a motion of Commissioner Moran, seconded by Commissioner Malecek, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Troy, Malecek and Moran "NAYS": None
15. **RESOLUTION INCREASING APPROPRIATIONS FOR VARIOUS NON-GENERAL FUND ACCOUNTS(20150730\BC03)(C-111)**
On a motion of Commissioner Moran, seconded by Commissioner Malecek, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Troy, Malecek and Moran "NAYS": None
16. **RESOLUTION TRANSFERRING CASH AND APPROPRIATIONS WITHIN VARIOUS GENERAL AND NON-GENERAL FUND ACCOUNTS(20150730\BC04)(C-111)**
On a motion of Commissioner Moran, seconded by Commissioner Malecek, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Troy, Malecek and Moran "NAYS": None

DEPARTMENTAL REPORTS:

UTILITIES - none

JOB AND FAMILY SERVICES - none

COUNTY ADMINISTRATOR - none

FINANCE - none

CLERK - none

LEGAL - none

OLD BUSINESS: - none

NEW BUSINESS: - Commissioner Malecek reported that he had the honor of swearing in Mr. Ross McDonald as new Deputy Director for the Lake County Board of Elections and they are in the process of precinct consolidation effective in the fall election.

Commissioner Troy stated that we are awaiting word from the State about our allocation for electronic poll books.

Commissioner Troy stated that the State will cover 85% of the costs of the poll books. The Board of Elections tested two types of poll books in May and will hold a mock election in a few weeks to determine which one has the best software.

Commissioner Troy stated that the County witnessed an unfortunate and senseless tragedy recently and we are proud of law enforcement and there is an extensive criminal investigation underway that will take place to be sure that justice is served.

Mr. Coulson stated that law enforcement worked superbly together and the cooperation was outstanding and the best that he has ever seen and it was because of this that the person was apprehended quickly.

Commissioner Troy asked if the Constitution requires the provision of indigent defense to illegal people who are not US citizens?

Mr. Coulson replied that the Supreme Court said yes, but it is an old decision and he did not know the rationale. The Court costs for a case like this is expensive and the County will foot the bill.

Commissioner Moran stated that her daughter boards her horses in the area where the suspect was spotted and it was scary listening to the scanner when this horrible event occurred. It was extremely nerve-wracking, but she was proud to see all the law enforcement agencies coming together around this horrific incident. They need to be commended because they did an amazing job. These law enforcement officers are like family to her and she appreciates their hard work and dedication to our citizens. There is an entire community in mourning over the loss of Mrs. Kostelnik, whom she knew personally. The greater tragedy here is the loss of a young girl's innocence and the death of Peggy Kostelnik. Commissioner Moran gave her deepest condolences to all of the families involved.

PUBLIC COMMENT:

Mr. John Muzik, 45 Coventry Drive in Painesville Township, applauded the outstanding service of the law enforcement agencies and stated that it does not seem like we appreciate them until something like this happens. He thanked law enforcement for the work they have done and will be done on this case and for protecting the citizens of the County. They go way beyond the description of their job.

Mr. John Murphy, 127 Chestnut Street, agreed with Mr. Muzik's statement and asked why the County has to spend money for someone who is not even a citizen of the United States. He stated that the County should find out this answer before signing any checks.

Commissioner Troy stated that the next regular Commissioners Meeting will be held on Tuesday, August 4, 2015 at 2:00 p.m.

EXECUTIVE SESSION:

- Legal - pending litigation

EXECUTIVE SESSION: On a motion of Commissioner Moran seconded by Commissioner Malecek, the Board convened an Executive Session at 10:40 a.m. to discuss legal matters related to pending litigation with the vote as follows:

"AYES": Commissioners: Troy, Malecek and Moran "NAYS": None

The Lake County Board of Commissioners recessed Executive Session at 10:40 a.m.

The Lake County Board of Commissioners reconvened Executive Session at 10:50 a.m.

On a motion of Commissioner Moran seconded by Commissioner Malecek, the Board returned to open session at 12:14 p.m., with the vote as follows:

"AYES": Commissioners: Troy, Malecek and Moran "NAYS": None

ADJOURN: On a motion of Commissioner Moran, seconded by Commissioner Malecek, the Board adjourned the meeting at 12:15 p.m., with the vote as follows:

"AYES": Commissioners: Troy, Malecek and Moran "NAYS": None

Minutes approved this eleventh day of August, 2015.

BOARD OF LAKE COUNTY COMMISSIONERS

DANIEL P. TROY, PRESIDENT

KEVIN D. MALECEK

JUDY MORAN, COMMISSIONER

JENNIFER BELL, CLERK