

LAKE COUNTY COMMISSIONERS' MEETING MINUTES

JERRY C. CIRINO, COMMISSIONER	JASON W. BOYD, ADMINISTRATOR
JOHN R HAMERCHECK, COMMISSIONER	LEGAL COUNSEL
DANIEL P. TROY, COMMISSIONER	MIKE MATAS, BUDGET DIRECTOR
JENNIFER BELL, CLERK	NEWS MEDIA

(Tape 2017-1115)

CALL TO ORDER: Commissioner Cirino called the Meeting to order at 10:02 a.m. Thursday, November 15, 2017.

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

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

Commissioner Cirino introduced Ms. Joy Padgett, from the Office of Outreach and Customer Support for the Ohio EPA.

Ms. Padgett thanked the Commissioner’s Clerk, Ms. Jennifer Bell, for her part in getting her before the Board of Commissioners. Ms. Padgett provided the Board with several brochures explaining the programs used by the non-regulatory side of the Ohio EPA to assist Counties, Chambers of Commerce, and small businesses with compliance, financial, and technical assistance. She stated that she has visited various entities within 73 of the 88 counties in Ohio explaining the “warm and fuzzy” side of the EPA. Ms. Padgett gave a brief history of Lake County’s involvement with the EPA and commended the Utilities Department on their tremendous work with wastewater. She explained that the EPA is not in competition with other agencies for funder dollars but that they work in conjunction with other agencies for funding. The EPA provides grants to eligible entities and offers principal forgiveness. Ms. Padgett explained how beneficial the “SCEIG” (Small Communities Environmental Infrastructure Group) bi-monthly roundtable discussions have been. She pointed out four grant opportunities for companies to obtain grants, including grants for recycling programs.

Ms. Karen Tercek, of the Willoughby Western Lake County Chamber of Commerce, asked if the Ohio EPA would award specific grants for recycling in downtown areas. Ms. Padgett replied That the EPA does provided they meet the necessary criteria.

Lastly, Ms. Padgett addressed the Office of Compliance Assistance and Pollution Prevention Division (OCAPP) and the Compliance Advisory Panel (CAP), which are directed toward Economic Development agencies within the counties to assist them with small businesses.

Commissioner Cirino asked if there was any reluctance on the part of businesses to ask for assistance for fear of the non-compliance side of the EPA sharing information with the general side of the EPA. Ms. Padgett stated she has encountered some reluctance but that there are confidentiality guidelines that must be followed. She added if there is an issue that must be discussed with the compliance side of the EPA, the business owner must give their written permission. Commissioner Troy stated that if there is imminent danger to the safety, health, and welfare of the public, confidentiality should not apply. Commissioner Troy stated that he appreciates the EPA coordinating with other entities for grants and programs and asked who coordinates the process for the communities. Ms. Padgett responded that it would be the engineer, consultant, or whoever has been retained to assist the entity and that there is no coordinating council. Commissioner Troy and Ms. Padgett discussed the revolving loan program, including issues the City of Willoughby Hills encountered. She provided the Board with a copy of the current funding opportunities available through the EPA.

RESOLUTIONS:

1. RESOLUTION APPROVING PLANS, SPECIFICATIONS AND ESTIMATES OF COST IN THE AMOUNT OF \$745,000.00 FOR MCMACKIN ROAD WATERMAIN EXTENSION PROJECT 388- W AND ADVERTISING FOR BIDS FOR SAME (BID OPENING: December 13, 2017) (20171115\U01)(UT-9)

On a motion by Commissioner Hamercheck, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Cirino, Hamercheck, and Troy “NAYS”: None

2. RESOLUTION TRANSFERRING APPROPRIATIONS WITHIN LAKE COUNTY DEPARTMENT OF UTILITIES SEWER OPERATING FUND (20171115\U02)(UT-2)

On a motion by Commissioner Troy, seconded by Commissioner Hamercheck, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Cirino, Hamercheck, and Troy “NAYS”: None

3. RESOLUTION APPROVING LAKE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES VOUCHERS DATE OF WARRANT NOVEMBER 17, 2017, IN THE AMOUNT OF \$371,816.24 (20171115\JFS01)(JFS-14)

On a motion by Commissioner Troy, seconded by Commissioner Hamercheck, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Cirino, Hamercheck, and Troy “NAYS”: None

4. RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE BOARD OF COMMISSIONERS, ON BEHALF OF THE LAKE COUNTY LAW LIBRARY RESOURCES BOARD, WITH WEST, A THOMSON REUTERS BUSINESS FOR THE WESTLAW NEXT GOVERNMENT SELECT ONLINE DATABASE AND WESTLAW PATRON ACCESS DATABASE(20171115\C01)(CT-19)

November 15, 2017

On a motion by Commissioner Troy, seconded by Commissioner Hamercheck. Commissioner Troy asked if this was an annual agreement. Ms. Murphy replied this agreement is necessary every three years. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Troy "NAYS": None

5. RESOLUTION APPROVING PAYMENT OF BILLS AS LISTED ON THE COMMISSIONERS' APPROVAL JOURNAL IN THE AMOUNT OF \$1,224,214.71(20171115\BC01)(C-4)

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

6. RESOLUTION APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$179,311.62 (20171115\BC02)(C-17)

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

7. RESOLUTION INCREASING APPROPRIATIONS FOR VARIOUS NON-GENERAL FUND ACCOUNTS (20171115\BC03)(C-111)

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

8. RESOLUTION TRANSFERRING CASH AND APPROPRIATIONS WITHIN VARIOUS GENERAL AND NON-GENERAL FUND ACCOUNTS(20171115\BC04)(C-111)

On a motion by Commissioner Troy, seconded by Commissioner Hamercheck, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Troy "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 Troy stated that he participated in a CCAO executive board conference call concerning the MCO sales tax issue. He explained that there is disharmony between the two houses of the legislature. The house has indicated that they voted to override the veto. However the Senate is not scheduled to, nor does it appear they will override the veto. The decision was made to accept the meager one time settlement of \$50 million with the possibility of an additional \$30 million down road as opposed to nothing. The hope is that CCAO will be able to meet with the Ohio House of Representatives leadership to discuss the loss of Medicaid sales tax. Any degree of legislative relief will be greatly appreciated in order to lessen the impact of that loss of revenue in the future. He stated no decisions have been made on this issue to date.

Commissioner Troy stated he recently met with the Lake County Coroner, Dr. Mark Komar, to discuss the budget of the Coroner's office. He explained that no one wants to see any government offices shut down due to lack of revenue. Commissioner Troy explained to Dr. Komar that he feels changes need to be made to the service model of the office going forward. They discussed how and where autopsies are performed and transferring the financial work, etc. of their department to the County Finance Department for oversight. Commissioner Troy stated that Budget Director, Mr. Michael Matas, has requested the Board approve the transfer of some funding to allow the Coroner's office to finish the year without shutting down. He explained that our job is to make sure the statutory responsibilities of all the County offices are met and continue to provide those statutory requirements within revenue parameters. The fact is that the County has finite budget revenues that will actually be slightly reduced in the future. Commissioner Troy stated that in the spirit of compromise, he recommends to the Board approving of the additional funds needed to allow the Coroner's office to finish out the year, with the understanding that changes will be made in the future to improve the efficiency of the office.

Commissioner Hamercheck stated that he had the pleasure of representing Lake County as part of the LEEDCo Board at the Ohio Environmental Council's Green Gala in Columbus. He stated that he received many compliments on the Lake County Department of Utilities and that many counties are very impressed by the work they do.

PUBLIC COMMENT: Commissioner Cirino asked if anyone in the audience wished to address the Board.

Mr. Brian Massie of 8196 Rainbow Drive in Concord Township, spoke of his continued concern regarding real estate taxes. He stated that he has sent letters to the nineteen agencies receiving funds from the ADAMHS Board requesting they supply all of their IRS 990's forms for the past 5 years. To date, he has received one response, provided the Board with a copy of that response, and asked what his next step might be should he not receive this information. Assistant Prosecutor, Mr. David Hackman, was present and stated that the Prosecutor's Office represents the ADAMHS Board and he would be happy to meet with Mr. Massie after the

meeting for further discussion. Mr. Massie stated that he plans on attending the Board meetings of these agencies and will keep the Commissioners updated on the information he receives.

Mr. John Muzic of 45 Coventry Drive, Painesville Township, stated that not only the County, but all levels of government must be good stewards of taxpayer dollars. He complimented Job and Family Services Director, Mr. Battiato, on his hard work and diligence and hoped the department would continue to be good stewards of the taxpayer’s money.

Commissioner Cirino stated the next Regular Commissioners’ Meeting is scheduled for Thursday, November 30, 2017 at 10:00 A.M.

Commissioner Cirino introduced Attorney Mr. Frank Gallucci of the law firm Plevin & Gallucci, to give a brief presentation on how Lake County has been damaged from the opioid epidemic and possible consideration to file litigation for damages by the Board of Commissioners.

Mr. Gallucci introduced Mr. James Marniella, of the Demer & Marniella law firm, and former 11th District Court of Appeals Judge, Ms. Mary Jane Trapp, of the law firm Thrasher, Dinsmore, and Dolan. Mr. Gallucci explained to the Board that the opioid epidemic is a statewide problem and that quite a few counties within the state have either filed or are considering filing lawsuits. Mr. Gallucci stated that in Lake County there were 86 overdose deaths in 2016, which is an increase of 38% since 2010. In addition, there has been a large increase in the number of children entering the foster system due to their parents’ addiction to opioids, with an increase in workloads for the coroner’s office, police forces, and courts, etc. So far, 60 counties across the country have filed suits with Cuyahoga County joining the suit yesterday. Mr. Gallucci explained that this lawsuit is being filed against the manufacturers, wholesale distributors, and “pill-mill” doctors who have inappropriately prescribed these medications. He explained in detail the litigation process and that this would not be part of a class action lawsuit but a single suit filed on behalf of Lake County to attempt to recover local government costs that were expended due to this epidemic. The case would be filed in a Lake County Court and be heard before a Lake County Judge and jury. Ms. Trapp explained in detail how the potential suits may eventually be enjoined.

The Board, Mr. Gallucci, Ms. Trapp, and Mr. Marniella continued to discuss the specifics of the possible litigation and the Board asked that they come back to a future meeting to meet within Executive Session for further discussion of potential opioid litigation.

EXECUTIVE SESSION:

***Legal-Imminent Litigation**

***Opioid Litigation**

EXECUTIVE SESSION: On a motion Commissioner Cirino, seconded by Commissioner Hamercheck, the Board convened an Executive Session at 11:18 a.m. to discuss Legal-Imminent Litigation and Opioid Litigation matters with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Troy "NAYS": None
The Lake County Board of Commissioners adjourned Executive Session at 12:11 p.m.

On a motion by Commissioner Hamercheck, seconded by Commissioner Troy, the Board returned to open session at 12:12 p.m., with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Troy "NAYS": None

ADJOURN: On a motion by Commissioner Troy, seconded by Commissioner Hamercheck, the Board adjourned the meeting at 12:12 p.m., with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Troy "NAYS": None

Minutes approved this fifth day of December, 2017.

BOARD OF LAKE COUNTY COMMISSIONERS

JERRY C. CIRINO, PRESIDENT

JOHN R. HAMERCHECK, COMMISSIONER

DANIEL P. TROY, COMMISSIONER

JENNIFER BELL, CLERK