

THE DULY ELECTED MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, OHIO, MET IN REGULAR SESSION ON MARCH 16, 2017 IN ACCORDANCE WITH OHIO REVISED CODE 305.05, WITH THE FOLLOWING MEMBERS PRESENT: RONALD L. FEATHERS, PRESIDENT, DAVID A. WHITE, VICE PRESIDENT, AND RICK WALTERS, MEMBER. THE MEETING WAS CALLED TO ORDER AT 9:00 A.M. BY THE PRESIDENT OF THE BOARD. MR. FEATHERS LED THOSE ATTENDING IN THE PLEDGE OF ALLEGIANCE TO OUR FLAG.

Also attending were Jack Brum, Donn Kerr, Darlene Lukshin from OSU Extension Office, Glen and Marcia Pawloski, Muskingum Township Trustee Gary Doan, Karen Doan, Sam Shawver from *The Marietta Times*, and Clerk Rick Peoples.

**Washington County Commissioners
AGENDA
9:00 a.m., March 16, 2017**

9:00 Business Meeting
9:30 Tom Ballengee, Job and Family Services – Program Update
1:30 Jamie Vuksic & Sherri Tucker – Children Services Update

UNFINISHED BUSINESS

NEW BUSINESS

Approve Agenda
Approval of previous meeting's minutes
Bills from various departments
Resolution to Accept Recommendation of Tax Incentive Review Council
Resolution to Transfer Inactive Fund Balances to County General
Resolution Addressing Loss of Medicaid Managed Care Organization Sales Tax Revenue
Additional Appropriation – County General, Building Department
Additional Appropriation – Auditor, Unclaimed Funds
Additional Appropriation – County General, Jail
Then & Now's
Travel – Job and Family Services (3)
Travel – County Home
Sheriff – Jail Contracts (10)
Response to Ohio EPA Findings & Orders
Discussion of EMA Advisory Committee
Appointment of Coroner's Assistant
Engineer – Request to Sell Trailers at Public Auction

INFORMATION

Planning Commission, 7:00 p.m., **Monday**, March 20
Finance Committee, 10:00 a.m., **Tuesday**, March 21
Council of Governments, 12:00 p.m., **Monday**, March 27, at Lori's Family Restaurant

RE: AGENDA

Mr. White moved and Mr. Walters seconded a motion to accept the agenda, with the following addition:

Add: Letter of Support for ODH Early Childhood Central Intake and Referral System for 2018 Application

A calling of the roll resulted in the following vote: Ronald Feathers aye, David White aye, Rick Walters aye. Motion passed.

RE: APPROVAL OF MINUTES

Mr. Walters moved and Mr. White seconded a motion to dispense with the reading and approve the minutes of the March 9, 2017 meeting.

A calling of the roll resulted in the following vote: Ronald Feathers aye, David White aye, Rick Walters aye. Motion passed.

RE: BILLS FOR PAYMENT

Mr. White moved and Mr. Walters seconded a motion to approve the list of bills from various departments for payment, as prepared by the County Auditor.

A calling of the roll resulted in the following vote: Ronald Feathers aye, David White aye, Rick Walters aye. Motion passed.

RE: RESOLUTION TO ACCEPT RECOMMENDATION OF TAX INCENTIVE REVIEW COUNCIL

Mr. White moved and Mr. Walters seconded a motion to adopt the following Resolution:

WHEREAS, in order to encourage and promote the creation of employment and investment opportunities within Washington County, the Board of Commissioners of Washington County sponsors the State of Ohio's Enterprise Zone program; and

WHEREAS, an integral part of the Enterprise Zone program is the annual review of those Agreements entered into by the local public partners and private businesses committed to the creation of job and investment opportunities within Washington County; and

WHEREAS, consistent with applicable laws in the State of Ohio, Washington County has caused to be created a Tax Incentive Review Council for the purpose of reviewing Enterprise Zone Agreements and recommending an appropriate course of action to the Board of Commissioners with regard to continuance, modification, or termination of the aforementioned Agreements; and

WHEREAS, the Tax Incentive Review Council assigned review responsibility has conducted its responsibilities for the period January 1, 2016 through December 31, 2016; and

WHEREAS, the Tax Incentive Review Council has recommended that Agreements monitored during the review and reporting period be continued without modification for the following:

Washington Electric Cooperative, Inc.

And further acknowledges the completion of all terms of the agreement of:

Ohio Valley Alloy Services, Inc.
Gladstone Companies, formerly Dimex, LLC

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of Washington County does hereby accept the recommendations of the Washington County Tax Incentive Review Council, and does hereby continue the Agreement in place with the following: Washington Electric Cooperative, Inc.

A calling of the roll resulted in the following vote: Ronald Feathers aye, David White aye, Rick Walters aye. Motion passed.

Ms. Lukshin thanked the Commissioners for hosting, and participating in, the Tax Incentive Review Council meeting on March 7, 2017.

RE: RESOLUTION TO TRANSFER INACTIVE FUND BALANCES TO COUNTY GENERAL FUND

Mr. Walters moved and Mr. White seconded a motion to adopt the following Resolution:

WHEREBY, Ohio Revised Code Section 57015.14(D) provides that "The unexpended balance in any special fund, other than an improvement fund, existing in accordance with division (D), (F), or (G) of Section 5705.09 or Section 5705.12 of the Revised Code, may be transferred to the general fund ... after the termination of the activity, service, or other undertaking for which such special fund existed, but only after the payment of all obligations incurred and payable from such special fund."; and

WHEREBY, several funds on the Washington County Auditor records have been inactive for a period of at least four (4) years; and

WHEREBY, cash/fund balances remain in these funds, and have not changed for several years; and

WHEREBY, the County Prosecutor has determined it to be in accordance with applicable sections of the Ohio Revised Code to transfer inactive fund balances to the County General Fund.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Washington County that the following unexpended fund balances be transferred to the County General Fund, as (1) there has been no financial activity in the funds for at least four years, (2) the purpose of the fund has been fulfilled, (3) there will be no injury resulting from the transfer of these funds, and (4) there is good reason to transfer these funds:

200-0300	Common Pleas House Arrest	\$ 1,575.83
200-0530	Litter Control & Recycling	\$ 800.77
200-0810	Economic Development Office	\$ 7,626.80
200-0845	Revolving Loan	\$ 7.99
210-0105	Hazardous Mitigation Plan Grant	\$ 7.05
210-0327	FEMA Reimbursement	\$ 7,687.41
210-0365	EVE, Inc.	\$ 19,350.45
210-0742	CSB Office of Criminal Justice	\$ 3,443.21
210-0802	CHIP 2006	\$ 383.00
210-0821	2013 CDBG	\$ 1.00
210-0823	2010 CDBG Sewer	\$ 1,891.75
210-0824	CDBG Water/Sewer Revolving Loan	\$ 41,918.64
210-0825	ARRA Home Sewage Treatment	\$ 1.75
210-0830	2012 CDBG	\$ 0.80
210-0845	Revolving Loan	\$ 1,899.94
210-0869	CDBG Highland Ridge Water	\$ 1.67
215-0853	W.P. Snyder Restoration	\$ 8,404.67

BE IT FURTHER RESOLVED by the Board of Commissioners of Washington County that if it is later determined that the activity, service, or undertaking for which any of these funds was created has not been fulfilled, or there is a payment or obligation which is still due and owing related to it, a transfer in the appropriate amount will be made from the County General Fund back to the fund from where it was originally transferred.

The Clerk said County Auditor Bill McFarland identified these inactive funds, which have had no financial activity for several years. He said the Assistant Prosecutor Nicole Coil advised the Commissioners they could transfer these remaining balances to County General, with the understanding the amount(s) may be repaid to the originating fund if subsequent claim is brought forward. The Clerk said he believes the funds are eligible for transfer, and will help to clear accounting records in the Auditor's Office.

A calling of the roll resulted in the following vote: Ronald Feathers aye, David White aye, Rick Walters aye. Motion passed.

RE: RESOLUTION ADDRESSING LOSS OF MEDICAID MANAGED CARE ORGANIZATION SALES TAX REVENUES

Mr. White moved and Mr. Walters seconded a motion to adopt the following Resolution:

RESOLUTION URGING STATE LEGISLATORS TO TAKE IMMEDIATE ACTION AS PART OF THE BIENNIAL BUDGET PROCESS TO PROTECT COUNTIES AND TRANSIT AUTHORITIES AGAINST THE LOSS OF MEDICAID MANAGED CARE ORGANIZATION (MCO) SALES TAX REVENUE

WHEREAS, Washington County has been delegated a wide array of critical services to perform on behalf of the State; and

WHEREAS, a series of State policy decisions and economic conditions have led to a period of ongoing fiscal challenge for Washington County; and

WHEREAS, Washington County has experienced a growing a reliance on sales tax revenue as a result; and

WHEREAS, Washington County learned during the summer of 2016 that the amount of sales tax revenue attributed to the Medicaid managed care sales tax is \$827,368; and

WHEREAS, the SFY 2018-2019 Executive State Budget proposes disparate treatment for the State and counties by recommending to fully replace forgone state sales tax and Medicaid matching dollars for the next biennium while providing counties/transit authorities with a one-time allocation that ranges from approximately 3 months to a year or more of the forgone revenue; and

WHEREAS, the solution put forth in the executive budget treats the State and counties disparately, and what is needed is an equitable solution.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Washington County, Ohio hereby urge the Ohio General Assembly to take immediate action against the potential loss of approximately \$827,368 of sales tax revenues associated with the Medicaid MCO sales tax by adopting an equitable solution that address the funding needs of the State and counties on a continuing basis.

Commissioner White said he believes every County will pass a comparable Resolution and consult with their state representatives. He said he doesn't believe the legislature has taken this significant reduction in county revenues very seriously. Commissioner Walters agreed a unanimous effort from Ohio counties might help to get the attention of the legislature. He said the County Commissioners Association of Ohio is coordinating this mass communication. The Clerk said the Commissioners will forward this Resolution to Representatives Andy Thompson and Jay Edwards, and Senator Frank Hoagland.

A calling of the roll resulted in the following vote: Ronald Feathers aye, David White aye, Rick Walters aye. Motion passed.

RE: ADDITIONAL APPROPRIATIONS

Mr. White moved and Mr. Walters seconded a motion to approve the following requests for Additional Appropriations:

County General, Bldg. Dept.	100-0170-57400	\$	256.50
Auditor, Unclaimed Monies	200-0106-57400	\$	1,250.00
County General, Jail	100-0381-54400	\$	23,750.00

A calling of the roll resulted in the following vote: Ronald Feathers aye, David White aye, Rick Walters aye. Motion passed.

RE: THEN & NOW'S

Mr. Walters moved and Mr. White seconded a motion to approve the following Then & Now's:

Dept	Account	Vendor	Amount
Commissioners	100-0101-53400	Office of Ohio Public Defender	\$ 93,932.00

Veterans Services	100-0701-55200	Steve's Vans	\$ 24,972.00
Maintenance	100-0109-53000	Franklin Fire Equipment	\$ 277.00
Veterans Services	100-0700-54400	Steve's Vans	\$ 24,999.00
Commissioners	200-0364-53000	Miller Communications	\$ 572.50

A calling of the roll resulted in the following vote: Ronald Feathers aye, David White aye, Rick Walters aye. Motion passed.

RE: TRAVEL REQUESTS

Mr. Walters moved and Mr. White seconded a motion to approve the following requests for reimbursement of expenses for training and travel pursuant to the policies and procedures and in compliance with the Annual Appropriations for Fiscal Year 2017, and any and all amendments subsequent thereto:

JFS

Candy Nelson, Dawn Lucas, Ruth Burdette: One-day trip to Columbus to attend CFIS training; March 22, 2017.

Kelly Bauerbach: One-day trip to Meigs County to attend Ohio Crime Victim Justice meeting; March 24, 2017.

Dawn Lucas, Ruth Burdette: One-day trip to Columbus to attend RMS Spring Symposium; April 6, 2017.

County Home

Susie Arbaugh: One-day trip to Parkersburg, WV to transport resident to appointment at Camden Clark Hospital; March 14, 2017 (retroactive).

A calling of the roll resulted in the following vote: Ronald Feathers aye, David White aye, Rick Walters aye. Motion passed.

RE: JAIL CONTRACTS

Mr. White moved and Mr. Walters seconded a motion to approve contracts to house inmates from the following entities to be housed in the Washington County Jail, during the period April 1, 2017 through March 31, 2018, for the daily rate of \$60.00:

Athens County	Meigs County
Village of Beverly	Morgan County
Hocking County	Monroe County
Perry County	Village of New Matamoras
Village of Pomeroy	Marietta College

Jack Brum introduced himself as having served as County Jail Administrator for approximately 14 years. He expressed concern over some of the content of the jail contracts, specifically those with cities and villages. He read aloud Section 1.a. of the contract, as follows:

All persons arrested by _____ for violations of state criminal statutes until such persons have had an initial appearance before a judge, after which such persons shall be deemed to be in the custody of Washington County for purposes of compensation under this contract.

Mr. Brum said he believes this portion of the contract to be inappropriate, as the County should bear the cost of city and village residents housed in the County Jail, who have been charged with violating state law(s) and their appearance before a judge is pending. He said he believes the cities and villages should only be charged the daily rate if they violated city or village ordinances.

Mr. Brum referenced material from the County Commissioners Association of Ohio, which he says corroborates his belief that cities and villages should not be charged if the violations are against state statutes. He said he is aware of at least one village that doesn't make arrests due to the cost of incarceration, which the village cannot afford.

Mr. Brum also expressed concern that the Commissioners don't enter into agreements with the Ohio State Highway Patrol and the Department of Natural Resources for housing in the County Jail individuals they arrest.

President Feathers said the Sheriff has the right to determine who is housed in the Washington County Jail and how the cost of care is reimbursed to the County. He said the Prosecutor rendered an opinion several years ago addressing this issue.

Commissioner Walters said the Commissioners will consult with the Prosecutor and Sheriff about Mr. Brum's concern.

A calling of the roll resulted in the following vote: Ronald Feathers aye, David White aye, Rick Walters aye. Motion passed.

RE: RESPONSE TO OHIO EPA FINDINGS AND ORDERS

President Feathers said Assistant Prosecutor has prepared a response to the Ohio EPA Director's Modified Findings and Orders provided to the Commissioners on or about February 22, 2017. Commissioner White said the Commissioners have not had sufficient time to review it.

Mr. White moved and Mr. Walters seconded a motion to table a letter of response to the Director of the Ohio EPA, pending further review.

A calling of the roll resulted in the following vote: Ronald Feathers aye, David White aye, Rick Walters aye. Motion passed.

Mr. White said at first reading the letter looks good. Mr. Feathers said response to the EPA is requested on or about March 24, so he encourages the Board to take action at the regularly scheduled meeting on that date.

RE: EMA ADVISORY COMMITTEE

President Feathers said the EMA Advisory Committee was created about three years ago for the purpose of offering advice and consult to the then-Director of the EMA. He said there is now a new Director and he believes the Committee is no longer needed. He noted the Committee was never intended to have management authority over the EMA Director.

Commissioner Walters said his desire is to see open lines of communication between the EMA and fire departments. He said if the Advisory Committee doesn't need to facilitate that, then there may no longer be need for it to exist. Mr. Walters recommended the Commissioners meet monthly with the new Director to hear of progress he is making, and/or problems he is experiencing.

Mr. White agreed the Committee has been inactive for some time, and there appears to be no good reason to keep it running. He noted, though, the new Director has been in the position for only a week. He suggested the Commissioners wait 60 to 90 days before disbanding the Advisory Committee.

RE: APPOINTMENT OF CORONER'S ASSISTANT

Mr. White moved and Mr. Walters seconded a motion to approve the appointment of Heather D. Leopold as Coroner's Assistant, beginning March 16, 2017, with no compensation.

The Clerk reported Dr. Ken Leopold requested this appointment, as Ms. Leopold has been helping him organize the Coroner's records, prepare reports, and gather information. He said Dr. Leopold believes it will be of great benefit to the Coroner's Office to have an Assistant who is able to work not only with record-keeping, but also with communication with individuals and agencies.

A calling of the roll resulted in the following vote: Ronald Feathers aye, David White aye, Rick Walters aye. Motion passed.

RE: REQUEST TO SELL TRAILERS AT PUBLIC AUCTION

Mr. White moved and Mr. Walters seconded a motion to table a request from County Engineer Roger Wright to dispose of two trailers by sale at public auction, pending further discussion with him.

A calling of the roll resulted in the following vote: Ronald Feathers aye, David White aye, Rick Walters aye. Motion passed.

RE: LETTER OF SUPPORT FOR FAMILY & CHILDREN FIRST APPLICATION

Mr. White moved and Mr. Walters seconded a motion to send a letter of support to the Ohio Department of Health, in favor of Washington County Family & Children First's application for the Early Childhood Central Intake and Referral System Project, as requested by Cindy Davis, Family & Children First.

Commissioner White asked the Clerk to prepare a draft of letter of support for the Commissioners to sign and send prior to March 23, 2017.

A calling of the roll resulted in the following vote: Ronald Feathers aye, David White aye, Rick Walters aye. Motion passed.

RE: COMMENTS FROM VISITORS

Glen Pawloski said he attended the recent meeting of the Washington County Board of Health, and provided to them copies of 285 signed letters from Devola residents, and 94 from Oak Grove residents, expressing their concern of the Ohio EPA requirement that they transition from septic to sewer systems and the construction of sewer line(s) in their communities. He noted several of those residents wrote personal comments on their letters. He provided copies of all letters to the Commissioners.

Oak Grove resident Donn Kerr said he did not receive the form letter that Mr. Pawloski said was distributed throughout Oak Grove.

Mr. Kerr asked Commissioner White if he said at the March 2, 2017 regular meeting of the Commissioners that Carol Gaughan, applicant to serve on the Washington County Behavioral Health Board, was "unfit and emotionally unstable" for the position. Mr. White informed Mr. Kerr he would not

discuss any private conversation in a public meeting, and he certainly did not say that about Ms. Gaughan at the March 2 meeting of the Commissioners. Continuing, Mr. Kerr said as a Washington County resident and taxpayer he is appalled that Commissioner White would “malign and impugn” Ms. Gaughan in a public meeting. He said such comments by a public official create a “black eye” not only on Mr. White, but also on the Board of Commissioners. He suggested President Feathers “censure” Mr. White, and recommended Mr. White issue an apology to Ms. Gaughan. Mr. Kerr said he personally knows Ms. Gaughan to be an upstanding, dedicated community member, and she is certainly not “unstable”.

President Feathers said Ms. Gaughan’s application to serve on the Behavioral Health Board was presented at the February 9, 2017 meeting of the Commissioners, at which time there was no second to a motion to approve it. He said there was no discussion of the application due to lack of a second to the motion.

Mr. Kerr then commented on the Devola sewer issue. He said the Commissioners have totally ignored the issue for five years, with no interaction with the City of Marietta to address the Intergovernmental Agreement with the City. He said it may have been possible to revise or change the contract, but not without communication with City administration. He said there has been no effort to search for funding for the project. Mr. Kerr indicated the City has already earmarked \$250,000 to “fight the County”. He said the EPA will likely refer the case to the Ohio Attorney General, and the end result will be the County incurring not only its own legal costs but also those of the City. He told the Commissioners they have been listening to only 60 to 70 people about this Devola sewer issue, without regard to the 60,000 other Washington County taxpayers. Mr. Kerr said the three Commissioners need to resign from their elected positions, as they have been “derelict” in their duty, have “broken the law”, and have “kicked this can down the road for five years”. He suggested the Commissioners “face reality”, as he believes the Devola project is inevitable. He said he doesn’t want the County taxpayers to suffer financially as a result of the sewer issues in Devola and Oak Grove.

Reacting to Mr. Kerr’s comments, President Feathers said there aren’t any “statements of facts” in anything he said. He noted there have been multiple conversations with Buckeye Hills [-Hocking Valley Regional Development District] about funding a sewer project in Devola. Darlene Lukshin from the OSU Extension Office in Marietta noted she attended a meeting where the Commissioners discussed with Buckeye Hills representatives the possibility of using Community Development Block Grant (CDBG) funds for the project. She said it was determined the Devola community is not eligible for using CDBG funds due to household income levels.

Mr. Pawloski thanked the Commissioners for resisting the efforts of the EPA to irresponsibly force upon Devola homeowners a very expensive transition from septic to sewer, noting that grant funds available when the EPA’s orders were first issued would have little impact due to the large number of residences included in the project at that time. Mr. Pawloski classified the EPA’s directives as “economic and environmental tyranny”, causing Devola residents to become “debt slaves to the State of Ohio”. He said the EPA has not given fair consideration to costs and benefits.

President Feathers brought discussion to a close.

RE: JOB AND FAMILY SERVICES UPDATE

Tom Ballengee updated the Commissioners on programs at Job and Family Services (JFS), including:

One-Stop: Only one bid was received to operate the One-Stop, and it was from Washington County JFS. Bid and contract must now be approved by Workforce Investment Board. Mr. Ballengee expects it to be approved, with service to begin April 10, 2017. One remaining issue is contract period overlap with the Memorandum of Understanding (MOU), which extends through June 30, 2017. The Commissioners agreed if a new contract is signed, it supersedes the existing MOU.

Union negotiations: Mr. Ballengee said work will soon begin on contract negotiations, and he expected them to go well.

Staffing: Mr. Ballengee said he is currently lacking a front desk receptionist, as the one recently hired will move into the One-Stop, and he will then need to replace a retiree.

Vehicles: He reported he has two vehicles that are aging and expensive to maintain. He intends to dispose of them, and replace them with leased vehicles.

Food stamps turnaround time: Mr. Ballengee was pleased to announce his staff had a food stamps turn-around time of 99.38%, compared to the state’s average of 91.60%.

Excess funds: Mr. Ballengee said he now has, or will have, excess funds that can be awarded or transferred. He said he is considering transferring Title XX funds in the amount of \$100,000 to Children Services, \$25,000 to Family & Children First for its Pooled Funds, and other grant awards to a variety of other agencies and organizations.

At 10:30 a.m. Commissioner Rick Walters excused himself from the remainder of the meeting.

RE: CHILDREN SERVICES UPDATE

Sherri Tucker and Jamie Vuksic from Children Services talked with the Commissioners about their budget status and financial condition.

Mr. Vuksic provided a Monthly and Annual Initial Placement Costs report, which reveals an increase of total annual initial placement costs from \$237,118 in 2006 to \$1,912,150 in 2017 (projected). He said there are now 81 children in the care of Children Services, up from 57 one year ago.

Ms. Tucker reported a cash balance of \$92,016 at the end of February 2017. She noted \$60,000 has been received from Job and Family Services, but she said cash flow is currently very tight. She projected a \$10,000 shortfall on or about April 3, unless immediate changes are made.

President Feathers informed Mr. Vuksic and Ms. Tucker that Job and Family Services intends to transfer \$100,000 to Children Services prior to September 1, 2017. He said while this will certainly help, and is appreciated, it isn't all that is needed. The Commissioners suggested the following actions be taken to begin to address financial issues at Children Services:

1. Request an earlier transfer each month of County General appropriation.
2. Do a Memo of Understanding to facilitate transfer of funds from JFS.
3. Schedule a meeting between Commissioners and State Director(s) to discuss dire circumstances of Washington County Children Services Agency.
4. Encourage Children Services Board of Directors to pursue placing a levy on the November 2017 ballot for the purpose of generating child placement resources.

RE: ADJOURNMENT

Mr. White moved and Mr. Feathers seconded a motion to adjourn.

A calling of the roll resulted in a unanimous vote in favor. The meeting adjourned at 2:30 p.m.

_____, President

_____, Vice President

_____, Member

_____, Clerk