

THE DULY ELECTED MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, OHIO, MET IN REGULAR SESSION ON AUGUST 23, 2018 IN ACCORDANCE WITH OHIO REVISED CODE 305.05, WITH THE FOLLOWING MEMBERS PRESENT: RICK G. WALTERS, PRESIDENT, DAVID A. WHITE, VICE PRESIDENT, AND RONALD L. FEATHERS, MEMBER. THE MEETING WAS CALLED TO ORDER AT 9:00 A.M. BY THE PRESIDENT OF THE BOARD. MR. WALTERS LED THOSE ATTENDING IN THE PLEDGE OF ALLEGIANCE TO OUR FLAG.

Also attending were Muskingum Township Trustee Gary Doan, Karen Doan, Captain Greg Nohe from the Sheriff's Department, Director of Human Resources Kathy Thieman, Building Official Chris Wilson, County Engineer Roger Wright, Mike Kelly from *The Marietta Times*, Michael Tatar from WTAP News, and Clerk Rick Peoples.

**Washington County Commissioners
AGENDA
9:00a.m., August 23, 2018**

9:00 Business Meeting
9:30 George Broughton, Tax Increment Financing (TIF) Project on SR 821

UNFINISHED BUSINESS

Addendum to Labor Agreement, Developmental Disabilities
Application for Liquor Permit – Grizer Castle in Whipple

NEW BUSINESS

Approve Agenda
Approval of previous meeting's minutes
Bills from various departments
Resolution Declaring Public Nuisance and Serious Public Health and Safety Crisis
Additional Appropriation – Various Purpose Bonds
Additional Appropriation – Behavioral Health Board
Additional Appropriation – JFS
Minus Appropriation – Juvenile Court
Transfer - Auditor
Then & Now's
Travel – Auditor
Travel – Clerk of Courts
Travel – Family & Children First
Notice from Recorder on Closing of Office during Holidays
Drawdown of CHIP Funds
Agreement between Building Department and Buckeye Hills Regional Council
Request from Sheriff for Funds for Urgent Jail Repair
Request from Building Department to Hire Plans Examiner
Engineer – Agreement with Teamsters Local Union No. 637

DATES TO REMEMBER

Port Authority Board Meeting, 7:30 a.m., **Tuesday**, August 28, at Waterford High School
Council of Governments, 12:00 p.m., **Tuesday**, August 28, at Lori's in Caldwell
Courthouse Closed, **Monday**, September 3, Labor Day
Joint Solid Waste Meeting, 12:00 p.m., **Monday**, September 17, at Lori's in Caldwell
Monthly County Home Meeting, 8:30 a.m., **Tuesday**, September 18, at County Home
Finance Committee, 10:00 a.m., **Tuesday**, September 18, in Conference Room A

RE: AGENDA

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

Add: Additional Appropriation – Capital Projects
CORSA Dividend Check
10:00 Flite Freimann – Memorandum of Understanding

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

RE: APPROVAL OF MINUTES

Mr. White moved and Mr. Feathers seconded a motion to dispense with the reading and approve the minutes of the August 16, 2018 Regular Meeting.

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

RE: BILLS FOR PAYMENT

Mr. Feathers moved and Mr. White 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: Rick Walters aye, David White aye, Ron Feathers aye. Motion passed.

RE: RESOLUTION DECLARING PUBLIC NUISANCE AND SERIOUS PUBLIC HEALTH AND SAFETY CRISIS

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

WHEREAS, *the Board of Commissioners of Washington County, Ohio is the policy-determining body of Washington County; and*

WHEREAS, *the Board of Commissioners of Washington County, Ohio has the authority to take action to protect the public health, safety, and welfare of the citizens of Washington County; and*

WHEREAS, *there exists a serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality in Washington County; and*

WHEREAS, *the diversion of legally produced controlled substances into the illicit market causes or contributes to the serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality in Washington County; and*

WHEREAS, *the violation of any laws of Ohio or of the United States of America controlling the distribution of a controlled substance is inimical, harmful, and adverse to the public welfare of the citizens of Washington County and constitutes a public nuisance; and*

WHEREAS, *the Board of Commissioners of Washington County, Ohio has the authority to abate, or cause to be abated, any public nuisance including those acts that significantly interfere with the public health, safety, and welfare of the citizens of Washington County; and*

WHEREAS, *the Board of Commissioners of Washington County, Ohio has expended, is expending, and will continue to expend in the future County public funds to respond to the serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality in Washington County; and*

WHEREAS, *the Board of Commissioners of Washington County, Ohio may sue to obtain any money due Washington County; and*

WHEREAS, *the Board of Commissioners of Washington County, Ohio has received information that indicates the manufacturers and wholesale distributors of controlled substances in Washington County may have violated Federal laws and regulations that were enacted to prevent the diversion of legally produced controlled substances into the illicit market; and*

WHEREAS, *the citizens of Washington County will benefit from the retention of special outside counsel along with their County attorney, the Washington County Prosecutor, to investigate and pursue, if appropriate, County claims against the manufacturers and wholesale distributors of controlled substances in Washington County, on a contingent fee basis, wherein there is no attorney fee if there is no recovery and the County shall not be responsible for the costs of litigation regardless of the outcome of any litigation.*

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Washington County, Ohio, as follows:

Section I

That the Board of Commissioners of Washington County, Ohio hereby declares that opiate abuse, addiction, morbidity, and mortality has created a serious public health and safety crisis in Washington County, Ohio, and is a public nuisance; and

Section II

That the Board of Commissioners of Washington County, Ohio hereby authorizes the retention of the law firm of Fields, Dehmlow & Vessels, LLC, 309 2nd Street, Marietta, Ohio, as Special Counsel and Marc J. Bern & Partners, LLP, 60 E. 42nd Street, New York, New York, as Special Counsel to represent Washington County, to investigate and, if appropriate, pursue all civil remedies which may be afforded under law as against the manufacturers and wholesale distributors in the chain of distribution of controlled substances who have caused or contributed to the public nuisance and serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality in Washington County, with the compensation therefore on a contingent fee basis, in concert with the contingent fee agreement that is designated as "Special Counsel Representation Agreement" and for which all members of the Board of Commissioners of Washington County, Ohio, at their direction are authorized to execute the aforementioned contingent fee agreement, the same of which is identified as Exhibit A and attached hereto and made a part hereof in its entirety.

Section III

That the Board of Commissioners of Washington County, Ohio here unanimously find and

determine all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and all deliberations of this Board, which resulted in formal action, were taken in meetings open to the public, in full compliance with all applicable legal requirements, including those in the Ohio Revised Code.

/s/ Washington County Commissioners

Glen Pawloski asked if the Commissioners had consulted with the Washington County Health Department about this action. President Walters said he didn't believe the Health Department was consulted.

Comparing the abuse of opioids to playing Russian Roulette, Mr. Pawloski said people illegally take these drugs just to get high and that is the game they are playing. He said there are consequences to their actions, and "you can't fix stupid".

Mr. Pawloski said the litigation being pursued by the Commissioners is targeting businesses and industry that provide and market legal products. Mr. Pawloski said the gun manufacturers are not at fault any more than the medicine manufacturers are at fault. As a result, he said, the Commissioners are sending the wrong message. He asked if there isn't a better way to deal with the situation. Mr. Pawloski said the Sheriff is doing a good job of tracking down the individuals who illegally supply the drugs in our community. He encouraged the Commissioners to have three (3) readings of this proposed Resolution, and in the meantime consult with the Board of Health to see if there is truly a public health hazard created by the illegal use of legal medications.

President Walters thanked Mr. Pawloski for his comments.

Mr. Walters reminded Mr. Pawloski that the Commissioners are in no way passing judgment on this issue. He said this action merely shifts it to the courts to determine if manufacturers and suppliers of opioids in our area should be held accountable for the illegal use of those medications. He noted the Commissioners have talked with other attorneys as well, and have determined the County would be remiss if the Commissioners didn't approve trying to recoup some of the financial loss incurred as a result of this public health and safety hazard. He said, as a member of the health insurance industry, it was a tough decision to make in pursuing this action as it will undoubtedly result in higher drug costs. Mr. Walters said he is not taking this issue lightly.

Commissioner White noted the Commissioners have already discussed this action publicly at least five times.

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

RE: ADDITIONAL APPROPRIATIONS

Mr. Feathers moved and Mr. White seconded a motion to approve the following requests for additional appropriations:

Various Purpose Bonds	700-0114-57502	\$ 759.19
	700-0114-57504	\$ 1,500.00
Behavioral Health	200-0611-57503	\$ 126.29
	200-0611-57502	\$ 1,518.34
	200-0611-57401	\$ 3,450.12
JFS	200-0721-57401	\$100,000.00
Capital Projects	300-0599-55200	\$ 10,000.00

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

RE: MINUS APPROPRIATIONS

Mr. Feathers moved and Mr. White seconded a motion to approve the following request for minus appropriations:

Juvenile Court	215-0344-58210	\$(1,759.00)
	215-0344-58217	\$(23,000.00)

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

RE: TRANSFER

Mr. White moved and Mr. Feathers seconded a motion to approve the following request for transfer of funds:

<u>Department</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Auditor	100-0120-54000	100-0120-54400	\$ 210.00

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

RE: THEN & NOW'S

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

Dept	Account	Vendor	Amount
Commissioners	210-0830-53000	Downing Construction	\$ 61,680.43
Sheriff	100-0384-53010	CORSA	\$ 2,500.00
Commissioners	215-0854-57401	Foxster Solutions Inc.	\$ 1,689.00
JFS	200-0720-57400	U.S. P.S. Postmaster	\$ 200.00

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

RE: TRAVEL REQUESTS

Mr. Feathers 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 2018 and any and all amendments subsequent thereto:

Auditor

Bill McFarland: One-day trip to Columbus to attend CAAO Legislative/Executive Luncheon; September 5, 2018.

Bill McFarland: One-day trip to a county yet to be determined to attend CAAO Southeast Ohio CAAO meeting; September 14, 2018.

Clerk of Courts

Brenda Wolfe: Two-day trip to Columbus to attend Ohio Clerk of Courts Association monthly meeting; September 19-20, 2018.

Family & Children First

Cindy Davis: Two-day trip to Columbus to attend "Systems of Care Summit"; September 14-15, 2018.

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

RE: NOTICE OF RECORDER'S OFFICE CLOSING OVER HOLIDAYS

The Commissioners acknowledged receipt of a notice from County Recorder Tracey Wright that her office will be closed on Friday, November 23, and Monday, December 24, with staff using vacation and/or comp time for their absence.

Commissioner White noted the staff in the Auditor's and Treasurer's offices will also be using vacation and/or comp time for these days, but it isn't yet clear whether the Prosecutor's staff will.

RE: DIVIDEND CHECK FROM CORSA

Director of Human Resources, Safety & Loss Control Kathy Thieman informed the Commissioners the County received a dividend check from the County Risk Sharing Authority (CORSA) in the amount of \$10,180.00. She said this is the County's share of the \$1,000,000 being paid to 66 member counties. She noted a number of factors were included in determining the amounts for each county, including years of members and experience.

President Walters said the County has been served well by CORSA over the past several years.

Commissioner White said it hasn't yet been determined into which account these funds will be deposited.

RE: DRAWDOWN OF CHIP FUNDS

Mr. Feathers moved and Mr. White seconded a motion to approve a request for drawdown of CHIP funds, grant B-C-16-1CY-1, in the amount of \$14,568.00, and to allow Mr. Walters and Mr. White to sign the request, as prepared by Susan Henrie, Washington-Morgan Community Action Program.

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

RE: AGREEMENT BETWEEN BUILDING DEPARTMENT AND BUCKEYE HILLS REGIONAL COUNCIL

Mr. White moved and Mr. Feathers seconded a motion to approve an Agreement between the Southeast Ohio Building Department and Buckeye Hills Regional Council to allow the Council to provide appropriate services to the Building Department, at the hourly rate of \$40.00, during the period January 1, 2018 through December 31, 2018.

Building Official Chris Wilson said this Agreement is late in getting processed, as he believed the Agreement signed last year was automatically renewed each year until canceled by either party. He said he prefers it to be that way, but the Commissioners agreed since over half the year is already gone it would be appropriate to consider that change in the next year's Agreement.

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

RE: REQUEST FROM SHERIFF FOR JAIL REPAIR

Mr. Feathers moved and Mr. White seconded a motion to allow the Sheriff to proceed with repair at the Washington County Jail, for the estimated amount of \$3,079.26, using Capital Project funds.

Jail Administrator Greg Nohe shared photographs of the damaged toilet in C dorm, and said his department would like to replace another porcelain toilet at the same time. Commissioner White noted the jail is converting from porcelain fixtures to stainless steel, which results in higher cost. Commissioner Feathers said the Sheriff has determined it is not feasible to use equipment from the old jail for this application.

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

RE: REQUEST FROM BUILDING DEPARTMENT TO HIRE PLANS EXAMINER

Mr. White moved and Mr. Feathers seconded a motion to approve hiring Jennifer Casey as full-time Plans Examiner for the Building Department, at the hourly rate of \$22.00, approximately 30-35 hours per week, with benefits, estimated start date in early January 2019, as requested by Building Official Chris Wilson.

Mr. Wilson said the transition of Ms. Casey from part-time to full-time is contingent upon her completion of required ICC examinations and full certification from the Ohio Board of Building Standards. He said those things should be completed by December 31, 2018. Mr. Wilson said this action will greatly enhance the efficiency of his department.

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

RE: AGREEMENT BETWEEN ENGINEER AND TEAMSTERS LOCAL UNION NO. 637

Mr. Feathers moved and Mr. White seconded a motion to table an Agreement between the Washington County Engineer and Teamsters Local Union No. 637, pending review by the Washington County Prosecutor.

County Engineer Roger Wright said he has been assured by the Prosecutor his review will be completed by August 27. He noted the Commissioners must act on the document not later than August 28, unless they have no objections to it.

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

RE: COMMENTS FROM VISITOR

Glen Pawloski shared with the Commissioners an article in the August 22, 2018 edition of *The Parkersburg News and Sentinel*. The article, he said, pertains to the proposed deregulation of existing coal plant emissions regulations, shifting the responsibility for regulation from the federal government to states. Mr. Pawloski noted the previous administration's rules were halted by the U.S. Supreme Court in 2015. He said the costs of such federal regulations are not justified by the benefits derived from them. He said he is hopeful the Commissioners are successful in their continuing fight against the EPA, referring to the Commissioners objecting to the EPA's requirement to sewer Devola which, he says, is overreach and double remedy.

RE: BROUGHTON COMMERCIAL PROPERTIES TAX INCREMENT FINANCING PROJECT

George Broughton updated the Commissioners on his project off State Route 821 outside of Marietta. Also attending were Andy Kuhn from the Southeastern Ohio Port Authority, contractor Doug Lowe, County Engineer Roger Wright, and Mike Kelly from *The Marietta Times*.

Mr. Broughton said ODOT recently completed the turn lane from State Route 821 into his property. He said he is now focusing on the sewer line and lift station.

With a proposed new 6,000 square foot community building in the planning stages, he said it is critical to have adequate sewer service to the facility. Mr. Broughton said the building should be

completed in July 2019 and will be used on a daily basis for meetings, receptions, etc. Noting the County will eventually assume ownership and operation of a new sewer line that he builds, Mr. Broughton said he wants to build it in accordance with both his and the County's needs. He said his cost to build the line and lift station, Phase I, will be about \$215,041. Estimated cost for Phases II and III are \$294,620, bringing the total cost to over \$500,000. He said his goal is to borrow funds for this project at the lowest interest rate possible, and he needs the Commissioners' help to do this.

Andy Kuhn, Executive Director of the Southeastern Ohio Port Authority, said he is working with Mr. Broughton to pursue funds from Jobs Ohio. He said the number of jobs to be created and allowing new businesses to tap into the line will be factors he uses in applying for funds.

Commissioner White said it is critical for the County's engineers to review the proposed sewer line, the lift station, and the metering, and to work closely with Mr. Broughton's engineer. Mr. Broughton said they have, and are, working very well together to ensure a good product is provided to him and eventually to the County.

Mr. Kuhn said this new sewer line is a significant investment in the County, and will be valuable in marketing and development of additional properties along State Route 821.

Contractor Doug Lowe noted Phase I of this project is installing approximately 4,200 feet of new sewer line from State Route 60 to a new lift station and metering pit on State Route 821. Phase II and III, he said, will extend the line to all of Mr. Broughton's buildings.

President Walters said he is concerned about the long-term maintenance costs, and said the line, lift station, and metering pit need to be built with that in mind.

Mr. Feathers moved and Mr. White seconded a motion to allow the project to proceed as presented by Mr. Broughton, with the County's engineers authorized to review the plans and work closely with Mr. Broughton's engineers, and to allow Mr. Broughton to work with the Southeastern Ohio Port Authority to pursue funds for the project on behalf of Mr. Broughton.

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

RE: ADJOURNMENT

Mr. Feathers moved and Mr. White seconded a motion to adjourn. A calling of the roll resulted in a unanimous vote in favor. The meeting adjourned at 10:08 a.m.

_____, President

_____, Vice President

_____, Member

_____, Clerk