

THE DULY ELECTED MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CLERMONT COUNTY, OHIO, MET IN REGULAR SESSION ON JANUARY 28, 2019, WITH THE FOLLOWING MEMBERS PRESENT: DAVID I. PAINTER, PRESIDENT, EDWIN H. HUMPHREY, VICE PRESIDENT, AND, CLAIRE B. CORCORAN, MEMBER. THE MEETING WAS CALLED TO ORDER SHORTLY AFTER 10:00 A.M. BY THE PRESIDENT OF THE BOARD WITH THE PLEDGE OF ALLEGIANCE TO OUR FLAG.

LET THE RECORD SHOW THAT THE JANUARY 28, 2019 REGULAR SESSION WAS VIDEO RECORDED AND IS AVAILABLE FOR PUBLIC INSPECTION MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8:00 A.M. TO 4:30 P.M. LOCAL TIME. IN ADDITION, THE REGULAR SESSION IS AVAILABLE FOR PUBLIC VIEWING THROUGH THE COUNTY GOVERNMENT WEBSITE AT <https://www.youtube.com/user/clermontcounty/playlists>.

IN RE: MINUTES OF REGULAR SESSION...APPROVED

Moved by Mr. Humphrey, seconded by Mrs. Corcoran,

To approve and sign the minutes of the Regular Session of **01/23/2019**.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Humphrey, Aye; Mrs. Corcoran, Yes; Mr. Painter, Yes.

LET THE RECORD SHOW: COMMISSIONER PAINTER STATED THAT THE BOARD HAD REACHED THE PUBLIC PARTICIPATION SECTION OF THE AGENDA. HE INQUIRED IF THERE WAS ANYONE IN THE AUDIENCE THAT WOULD LIKE TO ADDRESS THE BOARD. NO ONE REQUESTED TO ADDRESS THE BOARD.

CONSENT AGENDA

LET THE RECORD SHOW: COMMISSIONER PAINTER STATED THAT A CONSENT AGENDA HAS BEEN PREPARED FOR THE BOARD OF COUNTY COMMISSIONERS AND REQUESTED WHETHER ANY BOARD MEMBER WANTED ANY ITEMS REMOVED FOR FURTHER DISCUSSION AND CONSIDERATION AND UPON HEARING NONE:

Moved by Mrs. Corcoran, seconded by Mr. Humphrey, that the Board of County Commissioners consider the following recommendations:

1. IN RE: REQUESTS FROM VARIOUS DEPARTMENTS TO JOIN PROFESSIONAL ORGANIZATIONS AND AUTHORIZATION FOR REIMBURSEMENT OF ROUTINE TRAVEL EXPENSES RELATIVE THERETO...APPROVED

Requests from various departments to join professional organizations and to authorize payment of the annual dues in the amounts outlined below for membership therein, pursuant to Section 325.21 of the Ohio Revised Code and to authorize reimbursement of **routine travel expenses** associated therewith (*excluding expenses for overnight accommodations, meals for more than one day, registration fees, tuition, and/or transportation by common carrier*) pursuant to the policies and procedures of the Board of County Commissioners and in compliance with the Annual Appropriations for Fiscal Year 2019 and any and all amendments subsequent thereto:

Elected Official or Department/Employee	Organization	Annual Dues	Term
Clermont County Coroner Brian Treon DC# 19-0118-001	Ohio Coroner's Association Ohio State Medical Association/CC Medical Society International Association of Coroner's/Medical Examiners	\$3,290.00 \$560.00 \$100.00	01/01/2019 through 12/31/2019 01/01/2019 through 12/31/2019 01/01/2019 through 12/31/2019
Clermont County Coroner Darrell C. Hawkins DC# 19-0118-001	American Board of Medicolegal Death Investigators American College of Forensic Sciences International Association Bloodstain Pattern Analysts International Association of Arson Investigators International Association for Identification Association of Certified Fraud Examiners Ohio Supreme Court Society of Medicolegal Death Investigators	\$50.00 \$165.00 \$40.00 \$100.00 \$80.00 \$175.00 \$350.00 \$75.00	01/01/2019 through 12/31/2019
Clermont County Coroner Deborah M. Hawkins DC# 19-0118-001	American Board of Medicolegal Death Investigators Society of Medicolegal Death Investigators	\$50.00 \$75.00	01/01/2019 through 12/31/2019
Department of Community and Economic Development Adele Evans DC# 19-0122-005	County Planning Directors' Association of Ohio	\$85.00	03/01/2019 through 02/29/2020
Board of County Commissioners and/or Staff DC# 18-1130-003 (revised/previously approved 12/19/2018)	County Commissioners Association of Ohio (CCAO)	\$9,767.00	01/01/2019 through 12/31/2019
Board of County Commissioners County Administrator Assistant County Administrator	County Administrators' Association of Ohio	\$720.00	01/01/2019 through 12/31/2019

2. IN RE: TRAINING AND TRAVEL REQUESTS...REIMBURSEMENT OF EXPENSES RELATIVE TO SAME...APPROVED

Recommendation of Thomas J. Eigel, County Administrator, to approve the following requests for reimbursement of expenses for training and travel pursuant to the policies and procedures of the Board of County Commissioners and in compliance with the Annual Appropriations for Fiscal Year 2019 and any and all amendments subsequent thereto:

CLERMONT COUNTY COURT OF COMMON PLEAS/DOMESTIC RELATIONS DIVISION

Penny Ann Gates – Two (2) days – Columbus, Ohio – Ohio Association of Magistrates Board Meeting – Total expenses estimated not to exceed \$0.00.

PROSECUTING ATTORNEY

Joseph Mooney – One (1) day – Columbus, Ohio - Ohio Traffic Safety Office Course entitled “Prosecuting the Drugged Driver” – Total expenses for mileage (\$129.92) estimated not to exceed \$129.92.

COUNTY ENGINEER

Pat Manger and Craig Stephenson – Two (2) days – Dublin, Ohio – 2019 Ohio County Engineers’ Conference – Total expenses for lodging (\$336.04), meals (\$236.00), registration (\$518.00) and other (\$84.00) estimated not to exceed \$1,174.04.

COUNTY CORONER

Darrell Hawkins and Deborah Hawkins – Five (5) days – Dearborn, Michigan – Wayne State School of Medicine Medicolegal Investigation of Death – Total expenses for lodging (\$156.00), meals (\$550.00), mileage (\$326.42) and registration (\$990.00) estimated not to exceed \$2,022.42.

CLERMONT COUNTY WATER RESOURCES DEPARTMENT

Cory Collins – Up to Six (6) Months for completion – Batavia, Ohio – Training Course entitled “Small Water System Operation and Maintenance” – Total expenses for registration (\$140.00) and other (\$24.00) estimated not to exceed \$164.00.

3. IN RE: PERSONNEL ACTIONS...APPROVED*

* THE OFFICIAL RECORD OF PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS OF CLERMONT COUNTY, OHIO, RELATIVE TO PERSONNEL ACTIONS IS AVAILABLE FOR PUBLIC INSPECTION UPON REQUEST MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8:00 A.M. TO 4:30 P.M. LOCAL TIME.

Upon roll call on the foregoing motion, the vote was as follows:

Mrs. Corcoran, Yes; Mr. Humphrey, Aye; Mr. Painter, Yes.

NON-CONSENT AGENDA

4. IN RE: CLERMONT COUNTY EMERGENCY MANAGEMENT AGENCY/ LOCAL EMERGENCY PLANNING COMMITTEE...2019-2020 GRANT APPLICATION FOR CHEMICAL EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW FUNDS THROUGH THE OHIO STATE EMERGENCY RESPONSE COMMISSION (SERC) FOR THE CLERMONT COUNTY LOCAL EMERGENCY PLANNING COMMITTEE...19-0110-002...APPROVED

Moved by Mr. Humphrey, seconded by Mrs. Corcoran, that the Board of County Commissioners consider the following recommendation:

Recommendation of Pam Haverkos, Director, Clermont County Emergency Management Agency and Chairperson, Clermont County Local Emergency Planning Committee, with the

concurrence of Thomas J. Eigel, County Administrator, to submit the 2019-2020 Grant Application for Chemical Emergency Planning and Community Right-to-Know Funds through the Ohio State Emergency Response Commission (SERC), Post Office Box 1049, 50 West Town Street, Suite 700, Columbus, Ohio 43216-1049 for the purpose of developing, preparing, training, exercising, reviewing/revising the Clermont County Chemical Emergency Response and Preparedness Plan and implementation and administration of the Emergency Planning and Right-to-Know Act, in the amount of \$25,500.00 for the operation of the Local Emergency Planning Committee, with no local match required therefore, effective for the period of 07/01/2019 through 06/30/2020.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Humphrey, Aye; Mrs. Corcoran, Yes; Mr. Painter, Yes.

5. IN RE: PROSECUTING ATTORNEY...PRICING SUPPLEMENT TO SUBSCRIBER AGREEMENT AND APPLICATION WITH TRANSUNION RISK AND ALTERNATIVE DATA SOLUTIONS, INC. ("TRADS") FOR ACCESS TO AND UTILIZATION OF ONLINE SEARCH SERVICES TO PROVIDE SKIP TRACING AND ADDRESS VERIFICATION FOR SAME...18-0529-002...EXECUTED

Moved by Mrs. Corcoran, seconded by Mr. Humphrey, that the Board of County Commissioners consider the following recommendation:

Recommendation of D. Vincent Faris, Clermont County Prosecuting Attorney, with the concurrence of Thomas J. Eigel, County Administrator, to authorize David L. Painter, President of the Board of County Commissioners, to execute the Pricing Supplement to the Subscriber Agreement and Application with TransUnion Risk and Alternative Data Solutions, Inc., Post Office Box 209047, Dallas Texas 75320-9047, previously ratified by the Board of County Commissioners on 05/30/2018, for access to and utilization of TransUnion Risk and Alternative Data Solutions (TRADS) Online Search Services, identified as TLOxp (Account #2918211), to provide skip tracing and address verification in conjunction with the Civil Division's litigation cases, which represents an increase in the monthly fee from \$70.00 per month to \$100.00 per month, effective for the period of 01/01/2019 through 12/31/2019, with all terms in the afore stated Subscriber Agreement and Application, except as provided in the Pricing Supplement therefore, to remain in full force and effect.

DISCUSSION: Commissioner Humphrey asked how often the online search services are utilized. Jason Fountain, Assistant Prosecutor, Clermont County Prosecutor's Office, responded that the online services are used quite frequently in the foreclosure context for assistance in the location of people for the delivery of notifications. Mr. Fountain stated that the services are also used for Public Health and Building Department purposes.

Upon roll call on the foregoing motion, the vote was as follows:

Mrs. Corcoran, Yes; Mr. Humphrey, Aye; Mr. Painter, Yes.

6. IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION NUMBER 008-19/RESOLUTION RECOGNIZING PROGRAMS FOR WHICH COUNTY FUNDS MAY BE EXPENDED TO PURCHASE LIMITED REFRESHMENTS AND DECLARING A PUBLIC PURPOSE THEREFORE FOR CALENDAR YEAR 2019...18-1214-004...ADOPTED

Recommendation of Thomas J. Eigel, County Administrator, to adopt **Resolution Number 008-19** resolving to recognize programs for which County funds may be expended to purchase limited refreshments and to specify these activities are for a legitimate and necessary public

purpose therefore for Calendar Year 2019, as set forth in Exhibit A, attached thereto and made a part thereof, and to appropriate funds for the purchase of limited refreshments for same.

Department	Meeting/Training	Totals
Adams-Clermont Solid Waste District	Board of Directors Meetings	
	Policy Committee Meetings	\$900.00
Building Inspection Department	Building Safety Week Luncheon	\$250.00
Department of Community and Economic Development	Appalachian Regional Commission (ARC)	
	Business Attraction, Retention, and Expansion Meetings	
	Community Development Block Grant Meetings/Trainings	
	Housing Advisory Committee	
	Miscellaneous Meetings	
	Ohio Public Works Commission Meetings/Trainings	
	Planning Commission Meetings/Trainings	
	Southern Ohio Agricultural and Community Development Foundation	
	Subdivision Regulation Committee	\$1,225.00
Department of Job and Family Services	Children's Protective Services - Foster Parent Events	
	Children's Protective Services - Adoption Meetings/Events	
	Child Support Enforcement	
	Family & Children First	
	OhioMeansJobs-Clermont County Events	
	SouthWestern Ohio Regional Training Center (SWORTC)	\$17,300.00
Department of Public Safety Services	Public Outreach	
	Dispatcher Recognition Day	\$225.00
Emergency Management Agency/Local Emergency Planning Committee	EMA Trainings	
	EOC Activations (\$1,400.00 reserved)	
	LEPC Exercise	
	LEPC Trainings	
	LEPC Meetings	\$2,400.00
Clermont County Water Resources Department/Office of Environmental Quality	Watershed Collaborative Meetings	
	Stakeholder Involvement Meetings	\$250.00
All Departments	Total expenses estimated not to exceed	\$22,550.00

DISCUSSION: Commissioner Painter questioned what the \$17,300.00 for the Department of Job and Family Services covered. Sukie Scheetz, Assistant County Administrator, responded that there is an annual Foster Parent Training Conference held in September. A large portion of the \$17,300.00 covers costs for the training and education of all foster parents within the County.

Moved by Mr. Humphrey, seconded by Mrs. Corcoran, that the Board of County Commissioners consider the afore stated recommendation.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Humphrey, Aye; Mrs. Corcoran, Yes; Mr. Painter, Yes.

7. IN RE: BOARD OF COUNTY COMMISSIONERS...THIRD PARTY ADMINISTRATOR ADMINISTRATIVE SERVICE AGREEMENT WITH CHARD, SNYDER & ASSOCIATES, INC. FOR THE PROVISION OF ADMINISTRATIVE SERVICES RELATIVE TO THE SECTION 125 FLEXIBLE BENEFITS CAFETERIA PLAN FOR SAME...19-0114-001...EXECUTED

Moved by Mrs. Corcoran, seconded by Mr. Humphrey, that the Board of County Commissioners consider the following recommendation:

Recommendation of Yvonne Smith, Benefits Coordinator, with the concurrence of Thomas J. Eigel, County Administrator, to execute the *Third Party Administrator Administrative Service Agreement* by and between the County of Clermont, Ohio, and Chard, Snyder & Associates, Inc., 6867 Cintas Boulevard, Mason, Ohio 45040, for the provision of administrative services relative to the Section 125 Flexible Benefits Cafeteria Plan for all eligible employees and their dependents, at an annual renewal rate of \$750.00, plus \$100.00 per month for banking services and \$5.50 per month per participant, effective for the period of 01/01/2019 through 12/31/2021, and further, to execute the Plan Document entitled "*Clermont County Section 125 Premium Conversion and Flexible Benefits Plan*", attached thereto and made a part thereof, pursuant to and in compliance with the terms and conditions set forth therein, *and contingent upon the release of the required Purchase Order in concert with Requisition Number 00001760-00 dated 01/16/2019 relative thereto.*

DISCUSSION: Commissioner Humphrey questioned when the County last requested proposals for this contract. Yvonne Smith, Benefits Coordinator, stated that Horan Associates, Inc. (the County' contracted Healthcare Consultant) issues a Request for Proposals (RFP) for these services upon the expiration of each contract. She further stated that Chard, Snyder & Associates, Inc. is a local firm and the RFP process has not resulted in any other competitive companies for this service. Commissioner Humphrey asked what the total amount of the contract will be for the year and Ms. Smith responded that it will be approximately \$20,000.00. Sukie Scheetz, Assistant County Administrator, stated that the \$5.50 per month per participant fee is only for employees that choose to contribute to a flexible spending account.

Upon roll call on the foregoing motion, the vote was as follows:

Mrs. Corcoran, Yes; Mr. Humphrey, Aye; Mr. Painter, Yes.

LET THE RECORD SHOW: Judie Kocica, Clerk of the Board, provided copies of Sections 305.09 and 305.14 of the Ohio Revised Code (ORC) to the Board of County Commissioners. Commissioner Painter stated that he would like to have an open discussion in the public forum with regard to possible consideration of employment of outside legal counsel pursuant to Section 309.09 of the Ohio Revised Code. Commissioner Painter stated that there are two specific sections of the ORC that allow the Board of County Commissioners to obtain outside legal counsel. Commissioner Painter identified and read the two sections as follows:

Section 305.14 (A): The Court of Common Pleas, upon the application of the Prosecuting Attorney and the Board of County Commissioners, may authorize the Board to employ legal counsel to assist the Prosecuting Attorney, the Board, or any other County Officer in any matter of public business coming before such Board or Officer, and in the prosecution or defense of any action or proceeding in which such Board or Officer is a party or has an interest, in its official capacity.

Section 305.14 (B): The Board of County Commissioners may also employ legal counsel, as provided in Section 309.09 of the Revised Code, to represent it in any matter of public business

coming before such Board, and in the prosecution or defense of any action or proceeding in which such Board is a party or has an interest, in its official capacity.

Commissioner Painter stated that the County has entered into a realm of public records that are not defined very adequately by the Ohio Revised Code (ORC) sections. He stated that he wanted to discuss this issue to determine if there is a need to enter into a contract for outside legal counsel pursuant to ORC Section 305.14 (A) or Section 309.09 (C). Commissioner Painter stated that he is not asking the Board of County Commissioners to consider the proposed contract for today's session, but he is requesting that Commissioner Humphrey and Commissioner Corcoran consider the following as it relates to the proposed contract:

- The need for a contract for outside legal counsel, pursuant to Section 309.09 (C) of the ORC, for issues of experience, expertise, and conflict of interest.
- Complexity of the definition of "public record" and the media or medias utilized by public subdivisions to provide the "transparency" of the "process" and "disposition" of issues by elected officials.
- Consistency in the Application.
- "Personal Opinion" of others, both personal and private.
- "Public Information" verses "Private Application".
- Excerpts of "factual" information and "distortion" or shading" to create an "Air of Concern/Disbelief/Sensationalism".
- When is a "record" defined "public"?

Commissioner Humphrey stated that he appreciated the fact that Commissioner Painter does not want a decision in today's session. He stated that he needs time to review the ORC Sections and he feels that the issue needs to be discussed with the Prosecuting Attorney.

Commissioner Corcoran stated that she has started to research this issue, but also would like time to review the documents provided in today's session. She further stated that she would like clarification/documentation on Ohio Case Law that pertains to any of our issues including public information on all devices, including both public and personal. Commissioner Corcoran thanked Commissioner Painter for bringing this issue up in today's session.

Commissioner Humphrey stated that he has asked Emily McAfee, his Commissioner Aide, to research this issue at the Law Library and that she plans to do so this week.

Commissioner Painter asked that, because of the Board's current lack of knowledge in this particular area, that the Board of County Commissioners make no statement or provide correspondence regarding any current public record requests that are in place at this time until the Board has had a chance to discuss and go over the legal issues involved. Commissioner Humphrey stated that the Board can respond that a public request has been received and that the request is being worked on. The Board agreed to move forward accordingly.

IN RE: ADJOURNMENT...RATIFIED

Moved by Mr. Humphrey seconded by Mrs. Corcoran,

That the Board of County Commissioners, noting no further business to come before the commission for legislative action, adjourned this Regular Session at 10:23 A.M. until the next regularly scheduled session to be held at a later date.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Humphrey, Aye; Mrs. Corcoran, Yes; Mr. Painter, Yes.

**BOARD OF COUNTY COMMISSIONERS
CLERMONT COUNTY, OHIO**

DAVID L. PAINTER, PRESIDENT

EDWIN H. HUMPHREY, VICE PRESIDENT

CLAIRE B. CORCORAN, MEMBER

JUDITH KOCICA, CLERK OF THE BOARD

DATE APPROVED