

**MEDINA COUNTY EMERGENCY MANAGEMENT AGENCY
EXECUTIVE BOARD MEETING MINUTES
February 22, 2023**

Members Present

Carl Deforest
Brian Guccion
Matt Hiscock
Steve Hambley

Scott Miller
Conrad Sarnowski
Colleen Swedyk
Larry Walters
Marty Warchola

Personnel

Christina Fozio
Ben Nau
Chuck Stiver
Matt Sturgeon

Guests

Rob Haas
Mike Lyons
Aaron Harrison
Tom Condosta

Chairman Conrad Sarnowski called the meeting to order at 8:33 AM.

Newly appointed Commissioner Aaron Harrison briefly introduced himself to the group and each person introduced themselves to Commissioner Harrison.

Brian Guccion motioned to approve the minutes from the January 25, 2023, meeting, seconded by Larry Walters, and approved with Colleen Swedyk, Carl Deforest, and Marty Warchola abstaining.

Carl Deforest motioned to approve the bills as Resolution 2023-006, seconded by Colleen Swedyk, and approved by all.

Brian Guccion motioned to enter executive session for employee issues to include the Board, excluding Christina, Steve, and the guests. Steve Hambley made a point of order as to why he was being excluded when he is a member of this board. Mike Lyons said that it was to discuss a complaint against Mr. Hambley, and the Board would like to discuss how to approach it. Mr. Hambley asked if the complaint was against his actions as a Board member or a member of the Board of County Commissioners. Mr. Lyons replied that the complaint was from Christina Fozio and sent to board members, although not all of board members. Mr. Hambley made a point of inquiry as to who was excluded from that notification. Mike Lyons said the Commissioners as well as Scott Miller. Mr. Hambley asked if Mr. Lyons had received the original complaint also. Mr. Lyons said he had been included and he had been unsure what to do with it. Mr. Hambley asked what the basis of the complaint was. Mr. Lyons suggested, in fairness, to include Mr. Hambley in executive session to share the communication

with him. Mr. Guccion agreed to amend his motion to include Mr. Hambley and Mr. Miller to join the executive session. Marty Warchola seconded the motion.

Roll Call: Carl Deforest – Yes; Brian Guccion – Yes; Matt Hiscock – Yes; Steve Hambley – No; Scott Miller – No; Conrad Sarnowski – Yes; Colleen Swedyk – No; Larry Walters – Yes; Marty Warchola – Yes

Executive session began at 8:40 AM.

Executive session ended at 10:31 AM.

Matt Hiscock motioned to seek outside council for a matter that has come to the attention of the Board, seconded by Carl Deforest. The motion was approved by a vote: 6-Yes & 1-No.

Matt Sturgeon presented the annual CRS Activity 510 Progress Report as required by the program. The report indicates that there have been no changes for the actions listed in our Mitigation Plan since last year. The report is posted on EMA's website with the Medina County All Hazards & Flood Mitigation Plan.

Chuck Stiver presented two Resolutions of the All-Hazards Advisory Committee to Recommend Purchases to the Executive Board. The first is to purchase Swiftwater Operations training at Cuyahoga Community College for two water team members for \$1000.00. The second recommendation is to purchase one Unication G4 P25 voice pager and charger for \$759.50 to be issued to the All-Hazards Coordinator. Brian Guccion motioned to approve the purchases as presented, seconded by Marty Warchola, and approved by all with Carl Deforest abstaining.

Mike Lyons distributed a draft of the First Amended Agreement to Establish the Medina County Office of Emergency Management and Homeland Security. He gave a brief background to the re-write, which was prompted by a concern about EMA's authority to enter a contract. While amending the agreement for that purpose, it was observed that the statute calls for the assembly of an advisory group to choose the seven core members of the EMA Executive Committee. The membership portions of the amended agreement were written to be statutorily compliant, which is different from our original agreement. Mr. Lyons said although there are a couple variations of the original agreement, the agreement approved by the Commissioners and the agreement submitted to the State of

Ohio, they both have the same language regarding membership including two commissioners and one non-elected person acceptable to the Commissioners.

Mr. Lyons explained that the Medina County Prosecutor's Office represents the Board of Commissioners and the EMA Executive Committee, and the proposed amended agreement has been presented to this board as a discussion to recommend to the political subdivisions. This board does not have any vote on the agreement itself; this board exists by virtue of the agreement.

The Commissioners asked Mr. Lyons to revise the amended agreement for the membership to include two commissioners and one non-elected person acceptable to the Commissioners. The current proposal is a modification of that.

Paragraph 4 of the distributed draft included seven members: one Medina County Commissioner; five chief executives representing the municipal corporations and townships; and one non-elected representative. That's what the statute says. The preceding paragraph mentions the process of assembling the Advisory Group, which appoints the seven members.

The statute also says that additional members can be added, and the way they're chosen can be dictated by the agreement itself. The statute does not say the seven statutory members can be appointed in some way other than what is mentioned in the text. Mr. Lyons does not believe there is any other way appoint these members other than what the statute dictates.

The second sentence of paragraph 4 allows five additional members to be appointed: one person appointed by the Board of Commissioners of Medina County, who shall be either a second Medina County Commissioner or a non-elected representative, and four members appointed by the executive committee, which may be elected or non-elected individuals. This is the suggested language.

It's different from the original language from 1990, which calls for two Commissioners and a non-elected person to be appointed by the Commissioners. It is a step back from what the current agreement states, and it's structured to be in compliance with the statute. The original agreement doesn't quite match the appointment process of the statute, so we're trying to conform to the statute, but also matching, at least somewhat, to the language of the original agreement, which called for two commissioners and a person appointed by the Commissioners.

Mr. Lyons explained this Board does not have a vote on the agreement, but they represent the entities that do. It makes sense to have this discussion here because it's difficult to have it elsewhere.

Mr. Guccion asked where the townships and the cities fall into the agreement? Mr. Lyons answered that it's in the draft agreement: five chief executives representing the municipal corporations and townships entered into the agreement. Mr. Lyons described that we would have to assemble a meeting in which the members are chosen, similar the concept the Health Department follows.

Marty Warchola said the Medina County Township Trustees Association elects two township trustees to sit on this committee at the annual township meeting, He asked if that would stay the same. Mr. Lyons said no, the statute doesn't recognize that. Brian Guccion asked if the statute recognizes the cities, either? Mr. Lyons explained that the statute says that the chief executives of every subdivision shall appoint a person to be a representative at the Advisory Group. Mr. Lyons recited paragraph 3 of the proposed draft, and he explained that it is statutory. He explained that we probably have never done that, but also, he doesn't think it's necessary to "wring our hands about the last thirty years of having done that or the fact that the agreement doesn't quite match the statute." He described that EMA is presently functioning, but the current agreement is not quite in compliance. The proposed language is in compliance.

Mr. Guccion asked where Ralph Copley is in this scenario. Mr. Lyons asked who appointed Mr. Copley. Ms. Fozio answered the Commissioners. Mr. Lyons explained that if Mr. Copley was not reappointed, then he's not on the Board. Mr. Sarnowski said, under the proposed agreement, the Executive Committee could appoint Mr. Copley. Mr. Lyons confirmed that and said the purpose of the additional members is for the Executive Committee to have the ability to appoint additional people who may be useful to have on the Board. Mr. Guccion asked if Mr. Copley would be part of the five? Mr. Sarnowski replied that there is a caveat of "at least" the following seven. He asked for confirmation that the Executive Committee could have up to twelve members. Mr. Lyons said yes. He described that that statute requires seven members, and it goes on to say we can add additional members in the way they are chosen in the agreement. That's in addition to the primary members, we've added up to five.

Mr. Deforest questioned if there is a concern about tie voting if we had twelve members. Mr. Lyons replied that we could make it up to six additional and make it

thirteen. Tom Condosta clarified that the amount of the additional members is arbitrary, five was thrown out because it's a manageable number.

Mr. Hiscock asked why in the proposed amended agreement the line, "representing the board of county commissioners entering into the agreement," which is part of the statute, is struck. Mr. Lyons replied that it was to keep the language less voluminous, there's no significance to him doing that, and it's fine to leave it in.

Mr. Hiscock suggested that the text say there "may" be up to five additional members instead of saying there "shall". Mr. Lyons affirmed that he doesn't think that revision will be a problem.

Mr. Hiscock said the root of his questions is end game of the additional appointments outside of the statute. What is the rationale? What is the reason? Mr. Lyons explained that the original agreement has two commissioners and one additional non-elected person appointed by them. In order to achieve that same thing, but in this case, they've dialed it back to simply one commissioner and either a second commissioner or a non-elected, which brings it back to two appointed by the Commissioners. But the proposed agreement has been structured to be in compliance with the statute. The idea is to reproduce as close as possible what the original agreement said, but to do it in a way that is more compliant with the structure of the statute. From Mr. Lyons's perspective that's part of the logic of the modified language and part of the reason for the addition of the members. The statute doesn't call for an adjustment in the agreement to the seven primary members, but it does give us authority to add additional members and to dictate how they are chosen. Mr. Lyons believes that the proposed language is very compliant with the statute. It has the effect of giving the Commissioners one of the primary representatives, chosen by the Advisory Group, and a second member, chosen by the Commissioners.

Mr. Lyons said that the current agreement, which is in effect now whether there's an argument that it complies with the statute or not, is the only thing that guides us and is what we should comply with. That agreement calls for the Commissioners to appoint two commissioners and a third person who is a non-elected member. That's what is in effect right now. Mr. Lyons expanded that our going through this was to modernize the agreement to comply with current statutes. Our motivation is to make it compliant and to match the original agreement as closely as possible.

Mr. Warchola asked Mr. Lyons to explain who is the Executive Committee right now? Are the two trustees still members of the Board or with the new agreement are the two trustees no longer members of the Board, and would fall under the members appointed by the Executive Committee? Mr. Lyons said no, and he referenced the current agreement that says the Emergency Management Executive Committee, selected by the Advisory Group, shall be composed of two Medina County Commissioners and one non-elected representative acceptable to the Board of Medina County Commissioners. How we achieve that acceptability is a practical question and it has been done historically by the Commissioners appointing them. Mr. Lyons continued to reference the original agreement listing the chief executives of each of the three major cities, two township trustees acceptable to the majority of the townships participating, and one chief executive acceptable to the majority of chief executives of the villages. The original agreement defines how the members are chosen and we are following the agreement.

Mr. Lyons said the agreement hasn't changed yet. He advised, when the agreement changes, the current Executive Committee members sit until the Advisory Group is assembled and makes the appointments. Mr. Warchola asked who consists of the Advisory Group. Mr. Lyons clarified to form the Advisory Group each chief executive from each subdivision who is participating appoints someone to participate in the Advisory Group. Each subdivision has a representative to the Advisory Group. Commissioner Swedyk correctly confirmed that each of the seventeen townships will select one of the three trustees to represent them on the Advisory Group. Mr. Lyons compared the Advisory Group to the Health Department's annual meeting in which each subdivision sends a representative.

Mr. Warchola asked, other than the County Commissioner, if the five chief executives come out of the any of the major cities or the townships, will there be a meeting with one representative from each township and one representative of each major city? Mr. Lyons answered yes. Mr. Warchola asked if the meeting would be everybody as one big group, which decides as a whole if we will have any township representation at all? Mr. Lyons explained that that would be unlikely because there are more townships than cities. He said the original agreement probably provided better guidance and more of an array of representation than the statute.

Mr. Lyons shared that when the original agreement was entered and sent to the State, the State didn't have a problem with it, raising the question, "Do we need to change it?" If we can't reach a consensus, then we're just going to have this. This calls for two commissioners and a third one appointed by the Commissioners. Commissioner Swedyk said the proposed agreement takes a step back. Mr. Lyons said part of what we're grappling with is how do we do this going forward. Mr. Lyons continued that the statute dictates a certain way that it's supposed to be done, and he doesn't know that we have the authority to change that regarding the choice of the seven primary members. The statute says how we choose the primary members, and it gives us authority to add additional members and to dictate how they are chosen. It appears to Mr. Lyons that we have to comply with the statute on the seven primary ones, and we can add additional ones since they're chosen as we define in the agreement.

Matt Hiscock added that while this body has no say in the Commissioners' proposal, ultimately that proposal will be taken to every one of our legislative bodies for approval to participate in the agreement. That's the mechanism in which we in political subdivisions have the opportunity to discuss, ask questions, or voice concerns. Mr. Lyons explained we had been drafting something that minimally complied with the statute that didn't have extra member, or it may have had 5 extra members. That eliminated the two commissioner and a third one chosen to be acceptable to the commissioners. The Commissioners were not happy with eliminating what had historically been their representation, that's what happened. The Commissioners asked for the agreement to be written so they do not lose their representation. Mr. Warchola stated that he would like to the agreement to be written so that the townships don't lose their two representatives for the same reason the Commissioners don't want to. The townships have a big stake in this. Mr. Lyons doesn't believe it would be a prohibited variance if we said of the five to represent the municipalities and the townships that two of them will be township trustees. Mr. Lyons thinks we should dictate that representation in the agreement. Mr. Condosta added, with respect to the additional members, there is no limit to the number and there is no limit as to the process of choosing. If you want to put in a rule that says there must be two township representatives, there nothing that prohibits that.

Mr. Deforest asked if it then has to be acceptable to the Commissioners because the final draft has to come from the Commissioners' office? Mr. Lyons answered, the he though they were talk about two different things. Mr. Deforest clarified that he was talking about two township trustees being on the additional five has

to be acceptable to the Commissioners to be written into the proposed agreement. Mr. Lyons said "No, it doesn't." Mr. Lyons said the way the agreement is structured now is that the Commissioner's chose one, and the other four are chosen by this committee.

Mr. Deforest expanded on his questioning, if we're going to write into the agreement that two townships will be represented in the Executive Committee, doesn't that have to be acceptable to the Commissioners? Mr. Lyons said no. Mr. Lyons said that, in the additional members, we could put two additional members will be seated by the Medina County Township Trustee Association at their annual meeting. Commissioner Swedyk said that this was always just about getting us in legal compliance. Putting that language is not a violation. Mr. Deforest clarified that he wasn't saying it violates anything, but ultimately the agreement comes from the Commissioners' Office. Matt Hiscock explained that this document, has to have the language that Mr. Lyons is incorporating in it, and that means it's coming from the Commissioners' Office to us for contemplation and discussion and ultimately approval. Mr. Lyons clarified that Mr. Deforest and Mr. Hiscock were are talking about the language to be added has to be approved by the Commissioners. Mr. Deforest said, "yes." Mr. Lyons said, "Ok. I misunderstood you."

Mr. Hiscock, in consideration of Mr. Warchola's proposed language, said the townships would have four votes potentially, the cities have three and the commissioners have three. That is what could potentially happen because the township are represented in the original seven just like the cities are represented in the original seven. Mr. Guccion and Mr. Warchola clarified that Mr. Warchola did not intend for two more. Mr. Hiscock said that since we can't change the statutory language, the only way to ensure two more is to put them in the extended membership, then we have the potential for four or more.

Mr. Lyons believes we can narrow the eligibility of the five remaining statutory representatives to three representatives who shall be from the three largest cities and two who shall be township trustees. Then have one non-elected representative that can just be a non-elected representative. We can add in the bottom one the additional member chosen by the villages because we have that in the original agreement. We would incorporate part of the choice of the primary seven to indicate what the makeup should be. Mr. Lyons explained that it gets complicated to have the primary seven appointed because the statute doesn't say how that representation works. Mr. Lyons asked, "And you want to say how that

representation works, right?" Mr. Hiscock answered that he thinks we want to maintain the current composition representation. Mr. Warchola and Mr. Hiscock agree that Mr. Lyons's suggestion will do that. However, Mr. Hiscock is wary of straying from the statutory language although Mr. Lyons is trying to give us a solution and Mr. Hiscock appreciates that solution.

Mr. Lyons said the other solution would be to incorporate them into the additional members. But then you have the problem of multiple. Mr. Warchola said if we don't say something like that, the cities may get no representation. The group discussed examples in which all five of the chosen representatives are from townships, which would be undesirable. Mike believes that it would be difficult to challenge dictating the array of representative in our agreement.

Mr. Lyons concluded that the purpose of this was to have a discussion. The issues that we are discussing are valid issues that we need to work through and he expressed that this is the best forum for that.

Mr. Warchola reiterated his understanding of the discussion being the Commissioners will appoint who that want on the Executive Committee, we get three cities that are appointed the way they were before, two townships the way were done before at the Annual Meeting, but then who and how does the one non-elected representative get put into the Executive Committee? Mike said that the statute says the mechanism is the Advisory Group. The Advisory Group appoints all seven. We're contemplating putting in a makeup that limits their choice, but it's still the Advisory Group that makes those choices. Mike said "To comply with the statutes, the Advisory Group meets."

Mr. Guccion asked when this change will go into force? Mike answered that he thinks the current members would serve until the Advisory Group meets." Mr. Lyons said he can put in an effective date, such as January 1st of next year, so we have a definite point when this agreement take effect.

Mr. Deforest asked if an entity objects, then do they have to come up with their own emergency management? Mike confirmed if they don't participate, they must do their own.

Mr. Deforest and Mr. Lyons briefly commented the original intent was to get in conformance with the statute and it has been a challenge.

Mr. Deforest added that with whatever derivative of the agreement we agree on, with the effective date of January 1st 2024, we can have a meeting in October with plenty of time to put people who are interested and have some background to come to the meeting and be involved. Mr. Deforest encouraged the group that we can work through this.

On effective dates, Mr. Hiscock reminded everyone the agreement will only be effective when it is approved by the political subdivisions, that is the statutory component of approval and participation in both the cost and the services of EMA. Mr. Lyons added that interestingly we have not found evidence of any other subdivision approving the agreement that everybody is operating under. Mr. Hiscock emphasized that the proper way to approve the agreement is through legislation. Mr. Lyons said that the statute forces participation and each subdivision participates financially. If a subdivision were to not participate, they would have to come up with their own EMA plan. It would be a lot more costly to come up with their own plan than to participate in this one.

Mr. Deforest said that the City of Brunswick found an agreement that was signed by the City Manager in 1989 and also letters from Council to the Commissioners in December of 1989 saying that Council voted to not participate.

Brian Guccion discussed that if we get up to 15 people on this board then we'll get people that are not familiar with what we do. Mr. Guccion's concern is that our people have the right things in a timely manner. Commissioner Swedyk said she believes the Sheriff would be a valuable addition. Mr. Guccion said his concern is for our responders and for our residents. Mr. Guccion emphasized that there are many who not informed and would not be effective in support our responders. Mr. Warchola assured that it would be the Executive Committee to decide to bring additional people on, although he agrees with that there is a potential for Mr. Guccion discussed.

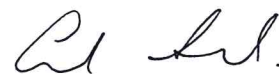
Mr. Lyons raised that if we don't get all of the subdivisions to agree then we will have to have to operate under the existing agreement. There has also been resistance to accepting the Commissioners appointment of a second person. Commissioner Swedyk said the other gives the Commissioners three, the proposed one give the Commissioners two. Mr. Lyons said it may be that we continue operating under the existing agreement because you never get consensus on the new agreement. Mr. Guccion's opinion is whatever Mr. Lyons think works best, he's ok with.

Mr. Guccion said that recent email on the topic said that there was a dispute. He said there was never a dispute, he thought we passed the agreement in November and moved it on, and the dispute was in Medina that they didn't agree with it. Mr. Lyons explain that there had been a refusal to accept the Commissioners' appointment of a second commissioner by this group. Mr. Lyons explained that the agreement says that the Commissioners choose a second commissioner. The EMA Board doesn't vote on a second commissioner. The agreement says that the Commissioners appoint two commissioners. Mr. Guccion said he doesn't know where the dispute was, he sat in all the meetings. Ms. Fozio shared that she has emails that show historically the EMA Director made the recommendation to the Commissioners for the appointment. She thinks that's where some peoples' frustration is.

Mr. Lyons will revise the draft based on what this group indicated. Mr. Lyons said that there's a tension between complying with the statute and doing the makeup that was in the original agreement.

Mr. Warchola asked Commissioner Swedyk, "What does your gut feel?" Commissioner Swedyk answered, "As long a Mike writes something that Mike feels complies with the statute, that's all that's ever been wanted."

Chief Walters motioned to adjourn the meeting at 11:22 AM, seconded by Carl Deforest, and approved by all.

A handwritten signature in cursive script, appearing to be "C. D.", located at the bottom right of the page.