

Ad H.

**MEDINA COUNTY EMERGENCY MANAGEMENT AGENCY
EXECUTIVE BOARD
JANUARY 28, 2015**

Members Present: Brian Guccion Conrad Sarnowski Matt Hiscock
 Christina Fozio Steve Hambley Ralph Copley
 Ben Nau Ralph Copley
 Martha Catherwood Bob Painter

Conrad called the meeting to order at 8:30am

Guccion made a motion to approve the December 2014 minutes as written, seconded by Catherwood and approved by all.

Ralph made a motion to approve RESOLUTION 2015-004-Monthly Operating Bills, seconded by Guccion and approved by all.

DeForest made a motion to go into Executive Session to discuss staff compensation at 8:34am, seconded by Ralph and approved by all.

Conrad made a motion to return from Executive Session at 8:40am, seconded by Ralph and approved by all.

Adam made a motion to approve a \$1.00 merit increase for Ben Nau for successful completion 6 month probation retroactive to December 24th, 2014, seconded by Martha and approved by all.

Christina explained to the board that the Hazmat sitting outside year after year is taking a toll on the on the team's ability to respond to an incident. The agency has been given an opportunity to store the decon truck and trailer at the Medina County Transit Garage for as long as they have space. Christina and Mike from the Transit garage created and MOU that the board will need to sign. This is a temporary solution to an ongoing problem.

Ralph made a motion to approve the MOU as written, seconded by Guccion and approved by all.

Christina brought up the past tabled discussion regarding a conference phone for the ECC. The first phone that was presented is the phone that is compatible with the county VOIP system. She spoke with the county Verizon rep and he is able to provide the phone at a cost of \$616.00. Adam made a motion to approve the purchase of the conference phone, seconded by Ralph and approved by all.

Bill Thorne was in attendance to speak of the need for a formal process regarding the Technical Rescue Operations Funds. Martha asked Bill of a COG is a way to go and he said that there needs to be something formal in place. He said that forming a Council of Government allows for flexibility but he has not spoken to anyone about how to do it or what it the best way. Martha said that Chief Potts has been working on this with some other people, he forwarded her some sample by-laws late yesterday, ~~he has~~

*has had
Correction*

discussed them with Chief Baird and she believes the by-laws will be coming the prosecutors way if it has not already. Christina reminded Thorne that she sent him a draft of those by-laws last April and he responded to them so he did see a draft of by-laws and an MOU and Thorne made recommendations. Chief Potts made the amendments. Thorne said the COG is one way to approach it, it gives the contributing agencies some control, which now they really don't. Thorne said that is one of the problems that Christina brought up, once they [Fire Chiefs] get the money that no one has control over it. The [EMA] board has physical custody of it, which is dubious that a government agency is acting as a banker for a private citizens but no-body has any oversight and from what her concern is there is a small group of people making decisions about what to do with the money that they were voluntarily getting from their various political entities. Martha said that it [the COG] would also serve a function as to a lot of other needs that the chiefs have identified such as communications. Thorne said it would clearly give them a lot of ability just as it does for the EMA, the Drug Task Force.... to control the financial stuff and there would be a legal basis for it. Conrad said that seems to be the biggest problem with this is they [Fire Chiefs] just came in one day and said they are starting a Chiefs Association and did not do By-Laws....Thorne said they have had a Chiefs Association for a long time that they [the Prosecutors Office] got involved in when Buck and everybody kept talking and pushing these different groups and how to do it, 'Great idea let's do it' and then it kept going but the structure fizzled. DeForest said the thing about a COG is they wouldn't need a 501C3 because the COG would act as the agent for representation and sending out bills and paying bills. Christina said that Chief Baird understands that now, what she read was a result of that meeting and then sent to her the following day and then probably a week or a week and a half later the Chiefs talked amongst themselves and were asking her what they should do. Christina said she told them that she cannot tell them what they should do but what she is saying is suggested by the Prosecutor which is they should probably form a Council of Government. She said that has been shared among some of the Chiefs who want to see change; the 501C3 was a way for them to do other events within their organization not just the Technical Rescue money specifically. Thorne said it [501C3] would allow them to do charitable events. DeForest asked who has the responsibility to make payments for these bills until such time as this is figured out. Thorne said that that right now you guys are supposed to be making the payments by an agreement, which back in the day they said don't do it, but you obviously did it anyway. DeForest said that right now the Fire Chiefs Association is looking for guidance to determine whether they should be getting the Council of Governments going with a 501C3....not us[the EMA Board]. Thorne said if they had the 501C3 they would have their own treasurer, their own secretary, reporting...Thorne agreed it would be stand alone to file their own taxes. DeForest said it could take them 3-6 months to get a 501C3 even if it went well right...because you have to file with the IRS.... Thorne said it really is not that difficult depending on the type. DeForest said it is a paper trail that needs to be moved through and Thorne agreed. Adam said it seems they may need a 501C3 for things other than this which is no concern of ours. He said it seems that the COG is a better way to go as far as TROT discussions. Conrad said the COG can be formed virtually immediately.

Martha said the other question the board had is how the appropriations from individual townships, villages and cities is determined. There was confusion about that-when she inquired about it years ago Buck had told her it was based on the same formula as EMA, so it is based on your population and that is how contributions are determined and then Christina provided a written opinion from Frank Casper

which is dated quite a while ago but it says the funding/ appropriations cannot be determined in the same way that they are for the EMA appropriations. Martha said that she thinks Matt Hiscock has the same question she has. Thorne said he hasn't got the slightest how they got it; the last time he was aware of anything the different Chiefs simply went and asked their boards and trustees for some money, they got and then stuck it into the fund. Martha said that is the other issue that needs to be hammered out; what is the formula for appropriating these funds from the jurisdictions. Thorne agreed and he said that is why the COG gives the communities the input that they really want to sit on those boards to give the input about how it is done. Adam asked how else Martha would do it besides population. Martha said she doesn't know but that is not her point-her point is that the opinion from the Prosecutor is that it needs to differ from how the Emergency Management is. Ralph said the original formula did differ depending on the number of personnel each entity had on the team but that did not work, they tried that for 2-3 years and it did not work. Some entities had 5 people, like the City of Medina has a number of people on it, the City of Wadsworth had 1 when he was Chief and some of the townships had no people. He said the formula did not work. Christina passed around a copy of the formula and what Emergency Management has billed since 2005 and it shows partly what Ralph is talking about...it shows an annual fixed charge, a variable cost allocation and a total charge. Christina asked Thorne, with this issue being open, how is it that; and should the Executive Board then invoice for 2015 for the annual cost allocations-what do we do for this moving forward. Thorne said he thought the Fire Chiefs Association was actually sending out the bills. Martha said that her fiscal officer, since the chiefs are not a 501C3, it is basically like John Doe handing over an invoice asking us for something and she won't do that because the auditor will take one look at it and....Thorne said that obviously doing it and they have been getting money. Martha said that Emergency Management has always been the umbrella for sending out the bills but that is how the whole thing started when Christina mentioned it would be the Fire Chiefs Association sending out the bills. Thorne said that he thought they had been doing that the last couple of years. Christina said the last 2 years, to try and get them to initiate some kind of a process, the invoice requests have gone out on Fire Chiefs letterhead but the money has been sent to EMA. That was EMA's attempt to get the Chiefs Association to form some kind of a structure and to give them some sense of responsibility as a group for a process and 2 years later it hasn't done anything. Christina said that knowing the discussion in December was acknowledging the chiefs are not a recognized group she does not want to go into a 3rd year sending out an invoice on Fire Chiefs letterhead. Adam said they [Fire Chiefs] need to form a COG and the money needs to come to EMA one more time because otherwise it [the COG] is not going to happen and Colleen [Hinckley Twp. Fiscal Officer] is right. Martha said it cannot happen [invoice going out on Fire Chiefs letterhead again] and she is surprised the Auditor has not caught it thus far. Martha said when you look at all this and then past history comes into play you question things. Thorne said who sends the bill out at this point is not the major concern but the major concern is that the EMA board shouldn't be doing it at all; if you don't do it the team falls apart. Christina said there is a cash balance for the team moving into FY2015 of \$67,000.00. Adam asked who manages the account; Christina said EMA does; Adam asked if it is through the County; Christina said it is one of our EMA funds; Adam asked if Scott [County Administrator] knows about it and Christina said yes. Matt Hiscock said that it seems foreign to him, not against the COG, that in Ohio TROT teams form COG's to run their operations. Thorne said it is not the TROT team but the Fire Chiefs Association would be the umbrella, like the Drug Task Force, for the

groups they want to put under that. Hiscock said that is even more foreign to him-he understands counties sharing COGs but to have a Chiefs Association as a COG? Thorne said it wouldn't be the chiefs, they would be separate, and that's why the Chiefs would have a 501C3. Christina explained the COG would be exactly what we have here. Adams suggested what Matt is saying is there has to be an easier vehicle to collect the dollars. Matt said there has got to be an alternative to that. Adam said he just thinks it should all come to EMA. Martha said the COG By-Laws that she saw of draft of last night is it is an elected, each jurisdictions choses an elected official to sit on the Council of Governments. That is the umbrella, which acts as EMA is acting now; she asked Thorne to correct her if she is wrong; that is the governing body and within that governing body becomes all the sublayers like TROT. Thorne said that they could have the Fire Chiefs Association run the various groups such as TROT. Martha said the other benefit is the Chiefs are trying to determine a way to find funding for communication needs in the future so this would also be a collective body to do that. Thorne said there are others ways that it can be done like a Mutual Aid Agreement between all the entities designating somebody to do it for them. He thinks that Frank researched it he found that EMA per say, did not have the authority to run it and that and that was the problem of having EMA itself do it directly, it does not have the authority, it does not fall under the responsibilities. Matt asked if a COG has the ability to impose a tax in Ohio-he would not want to give the COG the ability to tax for a communication system within the county-that is circumventing this bodies role, the role of the commissioners the role of the individuals. To form this COG for this particular issue we are facing is one thing but to form a COG to cover a mass umbrella of issues that we may be having throughout different associations...that is one thing.....Thorne said it depends on what really what they want to do, a COG can be set just to run a TROT team it can be agreed to on whatever the participants want to. Matt said he thinks the board should look at the options but then stated that the decision is not us [EMA Board]-Thorne said if he is part of the COG his community would have input in that discussion. Christina said from the EMA perspective we are illegally spending funds....Thorne said it is not illegally spending, the communities have given to it for that purpose the question is though are you spending it for what the Chiefs really wanted or what 2 or 3 people from the Chiefs Association wanted. Conrad said that is where the COG would come in....Thorne said that or some formal organization. He said there are Fire Departments that organize based on contract and districts, there are all kinds of vehicles out there but he has never sat down and discussed it with anyone until Christina came to him, he hadn't looked at it in a long time and the last time was when Frank looked at it. Thorne said to answer Matt are there other vehicles that can probably be use, yes there probably is depending on how far and how broad the communities want to Chiefs authority to mix into it. Martha said the next step would be talking to the jurisdictions to know if they even want to form a COG so they have input into it. Thorne said the Region V MOU that EMA just recently did with Summit County is just a contract to support certain money but as a result you have Summit County being the lead agency, as the financial officer, it controls all the equipment...there has to have a control and you just kind of go along with the ride. That is a way to do it too...if some community wants to step up and say they will be the Fiscal Officer and well take care of all the money and follow these terms that can be a way to do it. Christina asked the board where they want her to go from here regarding invoices. Adam said he does not think they can't not collect the money. Thorne said if the Fiscal Officers are not going to pay a private citizen he doesn't think there is another choice. Martha said that EMA has to do it. Thorne said they have gotten away with it to this point and he doubts they would give the board any

more than a technical citation if they did at this point because the money is going where it is supposed to. Conrad said the Chiefs need to have the understanding that by the end of the year they need to have some sort of a formal group. Thorne said a non-profit would work-there is a way to attach money to a non-profit. Conrad said the board pretty much has to go with the way they've been going until this gets turned around. Martha asked if the board should table the billing by one month until some of this gets cleared up. Thorne said Christina said there is money in the fund. Guccion said that he agrees with Martha and asked if we are current on our bills. Christina said yes-there is money and Technical Rescue does have a FY2015 budget in place and there is a budget in place to pay for Wally and the annual truck payment. Martha said at least Wally needs to be paid. Guccion said the Fire Chiefs Association needs to get their house in order. Martha said that not hearing from Chief Baird is an issue with the board not knowing what the status is. Guccion said that there seems to be group A and group B running their side deals which is what brought this to light. Matt asked if EMA received an invoice or a request for payment from the current association to EMA-she clarified if he means the Fire Chiefs Association. He said yes...she said she does not believe so yet. He asked if they send EMA an amount and then ask that we send out the bills [TROT invoices]. Christina said that EMA just does it as part of the first of the year budget process. Matt said the 'act' [of sending the TROT invoices] starts at EMA; Christina said everything starts here; Thorne said except for the purchase; Matt said it would be one thing if the Association sent those invoices out; which Martha and Ralph said they cannot pay; Matt said that is not this bodies and the Association sends it out and the fiscal officer doesn't make the payment. Christina said what happens when they do because they don't know any better and we get it. Martha said that everyone would have to know otherwise we are opening that can of worms wide open. Christina asked again what the board would like to do. Martha said that she feels the board should table it another month since Chief Baird here to update the board where they are. Guccion told Christina to stay current on the bills. Christina said there is enough money to cover the day to day stuff. Discussion continued about the annual budget and the fact that there is limited oversight of the annual budget from the Fire Chiefs Association from year to year to ensure that existing expenses are met and new projects can be funded. Discussion was also had regarding the addition of a water rescue team for an estimated \$40,000 which will leave the fund with very little carryover to support existing commitments and future funding. Martha said the fact that there is nothing formalized is an issue. Matt asked if they appropriated \$67,000 in the budget. Christina said no because she does not spend them down to zero that there is \$67,000 in the fund. Matt asked what their budget is because they really do not have \$67,000 to work with right now. Martha asked Matt if he means what is their balance. Matt said no he is asking what is appropriated. Thorne said that is one of the problems that Christina has is if they make that request it would put them down to zero and they do not have operating money. Guccion said that the board should table it since they have not heard from the association and the board has put everything on hold. Ralph said he does not support not paying the bills because Wally still needs to be paid. Matt said the act of invoicing is not the problem is it the payment of an invoice to a non-entity; he feels that is the issue; it triggers this issue. He said he would be hesitant to not send bills to entities who have been members of it and have them forget about that bill for the year. Martha said she does not feel it is unreasonable to table it for this month and have this discussion next month because the board doesn't even have a representative of the chiefs association here; the board is just going around in a big circle right now. Matt said that the board can table it to enact but he doesn't think they are going to

have an answer with a formed entity....Martha said this board needs to see intention though and that there is initiative on their part to take action and like Thorne said...you don't know everything that can go wrong until it goes wrong. Martha said there are a number of issues here. Guccion said it was his whole reason for not agreeing with Hambley at the last meeting who wanted to give a long deadline to get this done and here we are at meeting 2 and nobody shows up. Conrad asked what if they do have a number of incidents it would be nothing to drain that money. Christina said the total wage and line item for Wally is included in the budget but she considers him to be day to day operating....she would not buy a box of paper because there is something on the table...she feels what is being tabled is moving forward with big expenditures and knowing that there should be a structure in place. The whole overall operating budget for the Technical Rescue line item is \$89,495.40; there is \$67,000 in cash balance and the \$46,000 in FY 2015 allocations. Thorne asked if that includes the money for water rescue and Christina said it does not include money for water rescue which is largely what prompted her to bring this up again-it would likely put the fund in the red. She said that Wally's pay is approximately \$13,000. The fact that he is an employee... she views differently and there is also the annual contract payment for the F550 of \$13,649.82; the board can't not pay those bills. Guccion said that there is an issue with a representative that was supposed to go back to their team and then get back to the board he feels it is an issue that they did not show up at today's meeting. Martha said it would have been beneficial to this process if the board would have had someone from the Chiefs association here. Thorne said as a practical matter they are going to have to take it back to their communities and who knows how long that will take. Christina said that they may feel that replied based on sending the actions of what A and B are going to be. Matt said the board should not lose focus; the TROT team is a benefit to all of our communities and the board does not want to shut it down. Everyone in the meeting agreed. Matt said that structurally we are not satisfied with what is happening but the TROT team is important and if the board has counted on the revenue to cover expenses for this current budget year the board needs to make a decision because the reality is the board has covered this or acted in a certain way for a long time. He said that Bill [Thorne] who acts as our legal advisor has said we should not have done that but now we are in a situation; it is not just Wally but is it the benefit of the team to the community; Wally is important as the liaison and obviously it seems there is enough appropriated in current funding to cover that. Matt said there is also enough to move forward with what would be called 'operational expenses'; Christina said to keep the current disciplines moving; Matt said that certainly a freeze and an idea that the board is not going to expand role, envision different things, spend on capital items when there is this flux in place until everyone is comfortable with. He said he is concerned about not so much the invoicing issue but the payment issue and delaying that too long. Thorne said that is it a legitimate concern, they [fire chiefs] have a budget that they can't make and they don't really have any legal control on what they spend it for. They can start sending bills that are way over the budget because there is nobody to control what they are doing. Matt said that is the issue. Thorne said all of a sudden the board [EMA] does not have the money to pay them and there are people screaming at the board because they have been paying them but the board has no obligation on it and then the board is going to point to them and who are they going to sue...it is a non-entity so there is nobody to sue to get the money. Thorne said that is when this can really start unraveling. Martha said it can just snowball and she does not disagree with Matt; she agrees with what he is saying; the 2 issues that has a problem with is there is no formula for appropriating this and she if find if it is population based, but legally there is no

formula for the appropriation and there really needs to be a structure. Thorne said there may be a formula but nobody knows what it is. Matt said he agrees with Martha since their major role is fiscal responsibility and the formula is a problem. Martha said the board cannot go back to business as usual and it minimizes this board. Christina said that it is not unusual that an invoice get sent out in February. Discussion continued about what the Chiefs need to do and the variety of ways this can be fixed.

Martha said the Chiefs need to take initiative and provide an action plan with a timeline and they need to decide, or talk to Bill further, what course of action they need to take. Guccion suggested that Christina recommend Baird calling Bill. Conrad asked if it would be worth a letter from this board to all the Chiefs individually that the board needs to get their stuff together. Thorne said the matter has been tabled and they need to be here. Ralph suggested it also be copied to the entities; he said he knows that in Stark County a COG works very well that is not made up of Chiefs although there are chiefs on it. Thorne said the Resolution that was proposed indicated that the board was not going to be paying other than the normal operating bills without the majority of the Chiefs approving it. Christina said that did not get signed though-Thorne said that maybe next month that is something that we do-tell them the board is not paying any extraordinary bills unless it is passed by a majority. Thorne excused himself from the meeting.

Christina moved to EMA business and said this is a lot of why she would like to get the Technical Rescue issue corrected because the board focuses so much time on Fire Chief issues and not as much time on EMA issues. Christina said that the FY2015 budget accounted for new equipment purchases from the FY2014 Homeland Security Grant. She would like the board to make a motion to approve spending up to the approved dollar amount on each application so the agency can request purchase orders and begin ordering items from each of the individual companies for the items listed on the grant application. Each invoice will be on the monthly resolutions for formal approval of payment.

Martha made a motion to approve the FY2014 SHSP Lighting application for amount not to exceed \$24,796.80 to various vendors as presented, seconded by Conrad and approved by all.

Christina said there is also an approved application for Level A suites. The application total is \$26,502.00. Guccion asked if this is grant money and if it retires old suites and Wally said they have already retired suites. Christina said Medina County has a Type II team that does not have the minimum required Level A suites and this grant application will fix that.

Guccion made a motion to approve the FY2014 SHSP Hazmat Level A Suites application not to exceed \$26,502.00 from various vendors as presented, seconded by Ralph and approved by all.

Christina presented the FY2014 SHSP Hazmat Helmets/headlamps application for \$6,510.00. Guccion asked how much the helmets were; Christina said they are 169.00 each; Guccion asked how much the lights are; Christina said \$75.00 each and 25 of each item. Conrad asked if we just discuss this before and Christina said those helmets were for Technical Rescue. Guccion asked if when guys come and go if they turn their equipment in, Wally said it was brought up in the sub-committee meeting because he has no records that he can find about who has what equipment. Guccion asked that Wally start keeping track. Wally said there is one fire chief who was supposed to do this 4-5 months ago and he still has not

done it. Martha said this is another thing the COG can do that individual communities are assessed the cost of material not returned upon a member leaving. Discussion was had about what should have/should be done moving forward regarding inventory tracking.

Martha made a motion to approve the FY2014 SHSP purchasing Hazmat helmets and headlamps from the FY2014 SHSP from various vendors as presented not to exceed \$6,510.00, seconded by Ralph and approved by all.

Matt Hiscock excused himself at 9:40am which left the board without a quorum.

General discussion took place. Christina let the board know about the FY2014 SHSP Tow Vehicle application is on hold because the GSA contract that the grant was written on is expired and no extension was offered. Wally explained that the state is trying to get minority dealers for the contract. The board discussed state purchase pricing; Martha said the board can still get competitive bids. Discussion continued about the new vehicle purchase and ongoing issue of the lack of vehicle storage space.

Conrad made a motion to adjourn at 10:05am, seconded by Guccion and approved by all.