

**MEDINA COUNTY EMERGENCY MANAGEMENT
EXECUTIVE BOARD REGULAR MEETING MINUTES
November 16, 2022**

Members Present

Ralph Copley
Brian Guccion
Matt Hiscock
Scott Miller

Personnel

Conrad Sarnowski
Colleen Swedyk
Larry Walters
Carl DeForest

Guests

Christina Fozio
Ben Nau
Chuck Stiver
Matt Sturgeon

Michael Lyons
Tom Condosta

Chairman Conrad Sarnowski called the meeting to order at 8:31 AM.

An opportunity for public comment was given with no one presenting,

Brian Guccion motioned to approve the minutes from the October 26, 2022, meeting, seconded by Ralph Copley, and passed with Carl Deforest abstaining.

Carl Deforest motioned to approve the monthly bills as Resolution 2022-025, seconded by Ralph Copley, and approved unanimously.

Matt Sturgeon presented Resolution 2022-026 Appropriation Transfers, transferring appropriations within the All-Hazards fund as recommended by the All-Hazards Advisory Committee. Colleen Swedyk motioned to approve Resolution 2022-026 as presented, seconded by Carl Deforest, and approved unanimously.

Tom Condosta & Mike Lyons of the Medina County Prosecutor's Office described the draft First Amended Agreement to Establish the Medina County Office of Emergency Management and Homeland Security.

Tom said that the draft is written to be statutorily compliant, and it shouldn't disrupt the way anything has been done in the past. The agreement allows for five additional members to be added, which is to make it easier to have quorums. Colleen Swedyk said we should take advantage of adding additional members.

Matt Hiscock asked if each jurisdiction would need to approve the agreement once finalized. Christina answered that the agreement will go to the Commissioners and a copy will be sent to each jurisdiction for their signature with their cost allocation invoice to return to us.

Scott Miller asked if the additional members need to be named specifically. Tom answered they do not have to be specifically named in the agreement. The additional members can be whoever the committee feels qualified. Tom explained that the statute requires five chief executives from the townships and municipal corporations, one county commissioner, and one non-elected person. We don't know if the chief executives of the municipal corporations will be available for

meetings and the statute doesn't allow for designees or alternates. Tom's concern is meeting quorums.

Christina said that three of the potential five additional people would be Carl Deforest, Matt Hiscock, and Larry Walters. Carl Deforest and Colleen Swedyk raised that there could be a concern of the cities being overrepresented if the chief executives attended along with the additional members.

Matt Hiscock asked if the statute had any other prohibition to allow for a designee, and Tom answered that there is no allowance for designees.

Colleen said we could make sure the remaining two of the five additional members are from townships or villages.

Matt Hiscock shared that we have always had subject matter experts in the form of chiefs on this board, he has always thought they have brought a unique and important aspect to the discussions, and he would hate to see those individuals not allotted for. Matt Hiscock asked for clarification on if the term "chief executive" is interpreted to be elected officials in the statute. Tom said they are interpreted to be elected officials. Christina confirmed that this draft allows everyone we want to be on the board and have a quorum.

Mike Lyons discussed that this statute seems to emphasize elected officials, while there are other statutes that create boards allowing alternates. Mike confirmed to Colleen Swedyk that additional members will have to be officially appointed.

Colleen asked for clarification on how the five elected members are added. Mike explained that the concept is like the Health Department's annual meeting in which they appoint their governing board. The township association makes their two appointments at their annual meeting. Mike described that it will be challenging to pull together all of entities. Although the statute says that we will assemble an advisory committee, it's never been done, we've got the three main cities, and the Village Mayors Association chooses amongst the villages. Our agreement roughly complies with the statute.

Colleen Swedyk said that she would like to know who the voting members will be as the agreement goes to the cities and townships for approval. Mike replied that if the cities continue to send who they've been sending, and the villages make their choice, it may not be a pure adherence to the document. The mayor of each city will be the person appointed because they are the Chief Executives.

Carl Deforest added the statutes reflect a strong mayor form of city government, Brunswick has a charter with a city manager, and the city manager is the chief executive.

Colleen Swedyk said that when she takes the agreement to the other two Commissioners, she wants to be able to tell them who will be on the Board.

Mike said what we're sure of is the villages choose their representative, the townships choose their representative, the cities send their representatives, and the county also chooses their representative.

Chuck Stiver asked if a mayor's authority to delegate wouldn't apply for this. Mike answered that internal to a city there is a capacity to delegate authority. While a mayor is functioning as a member of this Board, they're not necessarily functioning as the chief executive, but you can see where you could debate that issue.

Mike thinks we may be able to accomplish this through each entity making its internal decision to delegate authority, that might be different than having an alternate.

Matt Hiscock stated that alternates, in the law, are different than designees. Acknowledging that the statute doesn't call for alternates, that doesn't mean that any called-for representative emulates the designee status. Colleen Swedyk supported this statement since it shows how we discussed how voting will be ORC compliant going forward.

Carl Deforest asked if it would be advantageous to have a proxy? Mike answered that a letter delegating authority on record would be a good way to achieve it.

Larry Walters asked, in Medina City's case, would Mayor Hanwell need to accept his place as the defined? Mike answered, that raises the question how the person is chosen because the statute classifies all the municipalities together. We have a village representative and the three cities each have a representative, that's how we come to it, that's not exactly how the statute is. So, there would be nothing for the mayor to accept. If we had a process of choosing, that would be different.

The statute calls for the assembly of an advisory board to make these choices, and the advisory board is made up of representatives from all the signatory subdivisions. It's just like the Health Department when they bring all the jurisdictions together. It seems unlikely that you would be able to pull everyone together, just like the Health Department does. It's a good thing to do, but it's hard to get all the communities together.

Christina discussed her intent of visiting each community to help determine members and to adopt the agreement.

Carl Deforest said that by Brunswick's charter, it's his authority to designate representatives for boards and commissions outside the City. He will continue to attend.

Christina discussed that she researched statutes in the ORC that allow for alternates, including the one for the health department. Christina suggests that the EMA Board and Wireless 911 Committee should have the same allowance and she even asked the Emergency Management Association of Ohio how these changes could be made to the Ohio Revised Code.

Mike Lyons described other boards with similar concerns about alternates then he described the reason we've been able to function this way is because the function of the EMA Board as not very visible and not very controversial. He expressed a low level of concern in continuing to make it work the way have been. But if somebody has an issue, it could be a problem. We're complying with the statute in the way we've written the agreement because we must, and we feel we can make it work.

Matt Hiscock discussed that cities and other members having non-CEOs coming must do a better job with designees or delegations of authority, not an alternate. Alternates, when they are not allowed for, are clearly a problem. With designees, if the mayor or CEO serves on a board and designates someone to attend board meeting and vote in her absence, we're advised legally that that's ok to do. Matt suggested that having a letter making sure that it is all supportable would be better.

Christina asked how someone could argue if a community delegated its authority. Mike Lyons answered that the EMA Board are representative of the advisory group not their respective cities. The only way to make this right is to assemble like the Board of Health does on an annual basis and choose delegates to be on the Board. We're modernizing the agreement because the statute has changed. We're not putting anything into the agreement that's contrary with the statute, over time we'll have to decide how to comply. Mike asked if we thought we would like to have an annual meeting.

Christina expressed that there are benefits to assembling the advisory committee, to add creditability to the agreement. For the adoption of the agreement, our goal is to get complete adoption of the agreement from every community. If a community opted out, they would have to establish their own emergency management program by statute. Mike Lyons said he would have a draft resolution for the communities.

Christina discussed visiting each community to introduce the agreement. Ralph Copley supported the idea of visiting each community for them to adopt the agreement.

Carl Deforest motioned to accept the First Amended Agreement to Establish the Medina County Office of Emergency Management and Homeland Security drafted 11/10/22 with the correction of "ad" to "and" on the second to the last line of the first page, seconded by Ralph Copley, and passed unanimously.

Chuck Stiver presented three AHAC Recommendations to the Executive Board dated November 10, 2022, for the Fire Investigation Unit, the Hazmat Team, and the Water Team. Chuck explained that the hazmat expense may be less if we don't need the calibration items. He explained that his preference is to reappropriate the money saved from calibration items to repair the cracked toolbox on the 2016 F-550.

Carl Deforest motioned to approve the purchase of Scott masks and adaptors for \$3,075.00 for Fire Investigation, seconded by Colleen Swedyk, and approved unanimously.

Carl Deforest motioned to approve the purchase of Motorola batteries, a sonar shade, whistles, zipper lube, suspenders, gloves, rain gear, dry suits liners and helmet lamps for \$9,281.25 plus shipping for the Water Team, seconded by Ralph Copley, and approved unanimously.

Brian Guccion motioned to approve not more than \$9,177.30 for a PID detector and to include calibration items, if necessary, seconded by Carl Deforest, and approved unanimously,

Carl Deforest motioned to adjourn the meeting as 9:29 AM, seconded by Brian Guccion, and approved by all.