

COUNTY COMMISSIONERS' MINUTES
WEDNESDAY, MARCH 2, 2016

The Board of County Commissioners met today in their weekly Commissioners' Meeting.

Present at today's meeting were:

Dennis P. Stuckey, Chairman
Joshua G. Parsons, Vice Chairman
Craig E. Lehman
BOARD OF COUNTY COMMISSIONERS

Lisa Johnson
ASSISTANT CHIEF CLERK

Also present were:

George Alspach
SOLICITOR, CONTROLLER'S OFFICE

James Cowhey, Executive Director
PLANNING COMMISSION

Jeffrey Cutler
EAST LAMPETER TAX COLLECTOR

James Fasnacht, Senior Buyer
PURCHASING

Lawrence George, Executive Director
BEHAVIORAL HEALTH/DEVELOPMENTAL SERVICES

Brian Hurter
CONTROLLER

Ralph Hutchinson, Manager
EAST LAMPETER BOARD OF SUPERVISORS

Harry Klinger, Director
PURCHASING

Crystal Natan, Executive Director
CHILDREN AND YOUTH AGENCY

James Noel, Esquire, and Solicitor
LANCASTER COUNTY HOSPITAL AUTHORITY

Jean Rehrig, Portfolio Manager
EDC FINANCE CORPORATION

Mike Sload, Deputy Director
BUDGET SERVICES

Robert Still, Appointed Chief Clerk

Commissioner Stuckey called the meeting to order at 9:15 a.m. followed by the Pledge of Allegiance.

Commissioner Stuckey announced the approval of January 20, 2016 Commissioners' Meeting Minutes, January 27, 2016 Commissioners' Meeting Minutes and February 3, 2016 Commissioners' Meeting Minutes, and postponed approval of February 17, 2016 Commissioners' Meeting Minutes.

Commissioner Stuckey re-announced that an evening Commissioners' Meeting will be held on Wednesday, March 9, 2016 at 7:00 p.m. at Denver Borough Municipal Building, 501 Main Street, Denver, Pennsylvania. There will be no Commissioners' Meeting scheduled for Wednesday morning, March 9, 2016 at 9:15 a.m. There will be no Work Session held on Tuesday, March 15, 2016.

Follow-Up Discussion of the Audit Report of the East Lampeter Township Tax Collector performed by the Controller's Office

Controller Hurter gave an update since the last time he was before the Board of Commissioners. Controller Hurter stated his biggest concern is the balance in the tax collector's account continues to grow when it should be relatively minimal. Controller Hurter also said that he has no idea whose money it is, whether it is the County's, the Townships, or the taxpayers'. Also he stated he doesn't know if there are duplicate payments coming in and it's not being returned, noting with the information that he has he doesn't know what it is. Controller Hurter stated that there has been no communication from the East Lampeter tax collector so he no reason to believe that any of the recommendations that have been made have been put into place and that anything is going to change.

Commissioner Parsons asked Controller Hurter if he has a position on a course of action. Controller Hurter stated that he feels that the Board of Commissioners should talk to the surety and see what the process is for making a claim against the funds. Also Controller Hurter stated that the Board of Commissioners should think about joining with East Lampeter Township in attempting to get the tax collector to follow the recommendations laid out in the audit report.

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Commissioner Lehman, Solicitor Clark, and Controller Hurter discussed what the surety might do if the County contacts them about the East Lampeter tax collector and the monies owed to the County.

Mr. Hutchinson said that the Board of Supervisors of East Lampeter Township feel that time is of the essence, noting they need to have this matter resolved and to have the tax collector do the job that he was elected to do properly. They are going to move forward with their action to pursue that and to pursue that the tax collector follows the recommendations of the audit report. Also Mr. Hutchinson stated that the Board of Supervisors would look forward to the County joining that effort.

Mr. Cutler described the discrepancies with the tax collection process. Mr. Cutler stated that he tries to do the best job that he can as tax collector. Mr. Cutler also stated that the computer program that the County uses is causing issues with him doing his job.

Commissioner Lehman stated that Mr. Cutler is the only tax collector that he is aware of that has this kind of performance and that there are other tax collectors that may be experiencing similar challenges that he is facing but they seem to be able to overcome them and are able to function as tax collectors in Lancaster County.

Controller Hurter stated that there are 29 elected tax collectors and Mr. Cutler is the only one who has those issues. Also Controller Hurter stated that in 2014 and 2015, the years in question, the same computer system was in place that has been in place, noting it was only this year that a new system is being used. Controller Hurter and Commissioner Lehman both stated the new computer system does not explain Mr. Cutler's performance in 2014 and 2015.

Commissioner Lehman stated Mr. Cutler has not refuted any of the Controller's claims in any of his comments and that he has tried to provide some excuses to explain why he wasn't able to make the system that he put together work the way that he might have hoped it would work. Also Commissioner Lehman stated that there is damage to the taxpayers because money that isn't remitted to the County on a timely basis is money that the County doesn't have an opportunity to invest. This means the County can't earn interest on those monies which helps taxpayers in terms of providing services at the county level. Commissioner Lehman stated the Mr. Cutler can't make an argument that there is no harm in what he is doing because there is a harm here and part of the reason that he thinks everyone is trying to encourage Mr. Cutler to do his job and do his job better is because at the end of the day it is what everyone would prefer, but at least at this point in time Mr. Cutler hasn't gotten there. Commissioner Lehman stated that if he understands the East Lampeter Township lawsuit is really just trying to compel Mr. Cutler do his job.

On motion of Commissioner Lehman, seconded by Commissioner Parsons it was agreed for the County of Lancaster to contact the surety in regards to the East Lampeter Township Tax Collector issues.

Motion passes unanimously.

RESOLUTION NO. 24 OF 2016
FUNDING THROUGH THE NEXT GENERATION FARMER LOAN PROGRAM

On motion of Commissioner Parsons, seconded by Commissioner Lehman;

WHEREAS, The Penn Township Lancaster County Industrial Development Authority has held a public hearing on an application/project in the total amount of \$520,000.00 for the Next Generation Farmer Loan for G. Wesley Nolt, East Drumore Township, Lancaster County, which is in accordance with the Tax Equity and Fiscal Responsibility Act of 1982; and

WHEREAS, The Penn Township Lancaster County Industrial Development Authority has determined that the application/project conforms to the public purpose, eligibility, and financial responsibility requirements of the Pennsylvania Economic Development Financing Law and approved the above application/project at a publicly advertised meeting; and

WHEREAS, The project's details are set forth in the public notice announcement on file in the Penn Township Lancaster County Industrial Development Authority Office.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LANCASTER, PENNSYLVANIA, That the Board hereby approves the revenue obligation or tax exempt issues as stated above; and

BE IT FURTHER RESOLVED, That the approval granted hereby shall not, in any way, pledge or obligate the credit or taxing power of the County, nor shall the County be liable for the payment of the principal of, or interest on, any obligations issued by the Authority.

Motion passed unanimously.

RESOLUTION NO. 25 OF 2016
FUNDING THROUGH THE NEXT GENERATION FARMER LOAN PROGRAM

On motion of Commissioner Lehman, seconded by Commissioner Parsons;

WHEREAS, The Penn Township Lancaster County Industrial Development Authority has held a public hearing on an application/project in the total amount of \$350,000.00 for the Next Generation Farmer Loan for Samuel S. and Marian F. Stoltzfus, Leacock Township, Lancaster County, which is in accordance with the Tax Equity and Fiscal Responsibility Act of 1982; and

WHEREAS, The Penn Township Lancaster County Industrial Development Authority has determined that the application/project conforms to the public purpose, eligibility, and financial responsibility requirements of the Pennsylvania Economic Development Financing Law and approved the above application/project at a publicly advertised meeting; and

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WHEREAS, The project's details are set forth in the public notice announcement on file in the Penn Township Lancaster County Industrial Development Authority Office.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LANCASTER, PENNSYLVANIA, That the Board hereby approves the revenue obligation or tax exempt issues as stated above; and

BE IT FURTHER RESOLVED, That the approval granted hereby shall not, in any way, pledge or obligate the credit or taxing power of the County, nor shall the County be liable for the payment of the principal of, or interest on, any obligations issued by the Authority.

Motion passed unanimously.

RESOLUTION NO. 26 OF 2016

ADOPTING AND APPROVING AN AMENDMENT TO THE ARTICLES OF INCORPORATION OF LANCASTER COUNTY HOSPITAL AUTHORITY, AS PROPOSED BY RESOLUTION OF THE BOARD OF SAID AUTHORITY; SETTING FORTH THE PROPOSED AMENDMENT; AND AUTHORIZING SAID AUTHORITY AND PROPER OFFICERS THE AUTHORITY TO EXECUTE, VERIFY AND FILE APPROPRIATE ARTICLES OF AMENDMENT.

On motion of Commissioner Parsons, seconded by Commissioner Lehman;

WHEREAS, The County of Lancaster, Pennsylvania (the "County"), by appropriate action heretofore caused to be incorporated the LANCASTER COUNTY HOSPITAL AUTHORITY (the "Authority"), under provisions of the Municipality Authorities Act of 1945", approved May 2, 1945, P.L. 382, as amended and supplemented, of the Commonwealth of Pennsylvania (the "Authorities Act"); and

WHEREAS, The Authority, by Resolution duly adopted (the "Resolution"), has submitted to the Board of County Commissioners of the County of Lancaster, a proposed amendment to its Articles of Incorporation so as to increase its term of existence, which amendment is authorized and permitted by the Authorities Act; and

WHEREAS, The Authorities Act provides, among other things, that the Board of Commissioners (the "Board") of this County, being the governing authority of the municipality composing the Authority, shall adopt or reject said proposed amendment by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LANCASTER, PENNSYLVANIA, as follows:

SECTION 1: The Board of this County hereby adopts and approves the amendment to the Articles of Incorporation of the Authority as proposed by a Resolution duly adopted by the Board of the Authority, a copy of which Resolution has been submitted to the Board of this County.

SECTION 2. The amendment to the Articles of Incorporation of the Authority, which hereby is adopted and approved, shall amend the Articles of Incorporation in order to increase the term of existence of the Authority by amending and restating paragraph 7 of its Articles of Incorporation its entirety, in order that said paragraph 7 of its Articles of Incorporation shall read as hereinafter set forth in full:

"7. The term of existence of said Lancaster County Hospital Authority shall be for a period ending December 31, 2065."

SECTION 3. Proper officers of the Authority hereby are authorized to execute, verify and file appropriate Articles of Amendment with the Secretary of the Commonwealth of Pennsylvania and to take all other action and to do all other things which may be necessary in order to accomplish the amendment of the Articles of Incorporation of the Authority in the manner herein adopted and approved.

SECTION 4. All resolutions or parts of resolutions, insofar as the same shall be inconsistent herewith, shall be and the same hereby expressly are repealed.

Motion passed unanimously.

RESOLUTION NO. 27 OF 2016

On motion of Commissioner Lehman, seconded by Commissioner Parsons;

WHEREAS, Sealed proposals were received by the County of Lancaster and publicly opened and read on Wednesday, February 10, 2016 at 11:00 a.m. for furnishing chemicals for water treatment, sewage treatment, wastewater treatment and municipal swimming pools for Lancaster County and the Lancaster County Cooperative Purchasing Board for a one-year period commencing April 1, 2016 with a 90-day extension option.

NOW, THEREFORE, BE IT RESOLVED BY THE LANCASTER COUNTY BOARD OF COMMISSIONERS, That contracts be awarded to the following companies, for the items and amounts specified, which are the lowest and/or best bids received, and are in accordance with the advertisements, specifications and bids received therefore, and contracts therefore directed to be drawn.

Contracts Awarded To:

For:

Amounts:

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**Chemicals for water treatment, sewage treatment, wastewater treatment
and municipal swimming pools for Lancaster County and the
Lancaster County Cooperative Purchasing Board for a one-year
period commencing April 1, 2016 with a 90-day extension option:**

Air Products & Chemicals, Inc. Allentown, Pennsylvania	Item 24	\$ 17,118.50
Brenntag NE, Inc. Reading, Pennsylvania	Items 11-a, 25, 31, 32-a and 33	\$ 94,042.71
Buckman's, Inc. Pottstown, Pennsylvania	Items 9 and 10	\$ 241,516.00
Chempace Corp. Toledo, Ohio	Items 13 and 27	\$ 7,000.00
Evoqua Water Technologies, Inc. Sarasota, Florida	Items 5 and 21	\$ 370,000.00
George S. Coyne Chemical Co., Inc. Croydon, Pennsylvania	Items 12, 28 and 30	\$ 56,167.03
Greer Lime Co. Morgantown, West Virginia	Item 29	\$ 293,512.65
Gulbrandsen Technologies, Inc. Clinton, New Jersey	Item 20	\$ 8,000.00
JCI Jones Chemicals, Inc. Warwick, New York	Items 7-a and 7-b	\$ 35,629.78
Kemira Water Solutions, Inc. Lawrence, Kansas	Items 17 and 19	\$ 52,810.00
Main Pool & Chemical Co., Inc. Dupont, Pennsylvania	Items 2-a, 3, 11-b, 14, 18, 23, 26, 32-b, 34, and 35	\$ 214,144.30
Mosaic Global Sales, LLC Lithia, Florida	Item 22	\$ 36,120.00
Univar USA, Inc. Middletown, Pennsylvania	Items 16, 36, and 37	\$ 129,198.60
USALCO, LLC Baltimore, Maryland	Items 1 and 35	\$ 318,990.24
Total:		\$1,874,249.81
Lancaster County's Portion		\$ 14,520.00

Motion passed unanimously.

On motion of Commissioner Parsons, seconded by Commissioner Lehman, it was agreed for the County of Lancaster, acting on behalf of the Purchasing Department, to approve the following:

Agreement With:

Enterprise Fleet Management
Harrisburg, Pennsylvania

Purpose:

To lease ten vehicles in 2016 for four County departments, including Purchasing, Lancaster County-Wide Communications, Sheriff's Office and District Attorney's Office. The County of Lancaster will be piggybacking on a Request for Proposal (RFP) issued by Lackawanna County, Pennsylvania and the subsequent contract.

Amount:

\$5,250.38 per month which will be transferred from the County's 2016 approved Capital expenditures to Open End Equity leases.

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Term: Effective March 2, 2016 through December 31, 2016.

Mr. Klinger and Mr. Sload talked about the cost saving this program will have on the county and described some details of the program.

Motion passed unanimously.

RESOLUTION NO. 28 OF 2016

On motion of Commissioner Lehman, seconded by Commissioner Parsons;

BE IT RESOLVED By the Board of Commissioners of Lancaster County, Pennsylvania, that the County of Lancaster, through the Purchasing Director, acting as agent of the County Code without prior approval of the County Commissioners, dispose of used vehicles through either (a) online sale through GovDeals or Public Purchase, (b) transferring the vehicle asset to another County department, or (c) selling the vehicle via a cooperative effort between the County and Enterprise Fleet Management, and the proceeds of which would be returned to the County or used against the cost of a leased vehicle.

Motion passed unanimously.

RESOLUTION NO. 29 OF 2016

On motion of Commissioner Parsons, seconded by Commissioner Lehman;

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF LANCASTER COUNTY, PENNSYLVANIA, That Robert T. Still be and is hereby appointed Chief Clerk to the County of Lancaster, Pennsylvania effective March 7, 2016.

Commissioner Lehman noted that Mr. Still's salary and benefits will be subject to Salary Board approval on Monday, March 7, 2016.

Mr. Still thanked the Board of Commissioners' for his appointment and their vote of confidence. Also Mr. Still stated that he certainly accepts this appointment with enthusiasm and will work for and on behalf of the citizens of Lancaster County. Mr. Still pledges to the citizens all his best efforts, all his skill, and his experience here in Lancaster County as a manager, to help manage the staff and help follow the mission of Lancaster County for the best interests of the people of Lancaster County.

Motion passed unanimously.

On motion of Commissioner Lehman, seconded by Commissioner Parsons, it was agreed for the County of Lancaster, acting on behalf of Behavioral Health/Developmental Services (BH/DS), to approve the following:

Amended Agreement No. 1 With: The Arc of Lancaster County
Lancaster, Pennsylvania

Purpose: To provide for additional Independent Monitoring for Quality (IM4Q) services.

Amount/Term: Increase the amount of the existing contract by \$79,533.00, for a total contract amount not to exceed \$124,133.00 for Fiscal Year 2015-2016.

Motion passed unanimously.

On motion of Commissioner Parsons, seconded by Commissioner Lehman, it was agreed for the County of Lancaster, acting on behalf of the Children and Youth Agency and/or the Office of Juvenile Probation, to approve the following:

<u>Agreements With:</u>	<u>For:</u>	<u>Amounts Fiscal Year 2015-2016</u>
Bethany Home, Inc. Womelsdorf, PA	Trauma Informed Residential	\$230.00/day
	Trauma Informed Short-Term	\$230.00/day
	Trauma Informed Shelter Care	\$220.00/day
	Independent Living Program	\$230.00/day
	Supervised Independent Living	\$230.00/day
	Intensive Residential Program	\$230.00/day
Devereus Foundation King of Prussia, PA	Mapleton Residential	\$0.00
	Brandywine Residential	\$0.00
	Stone and Gables Residential	\$0.00
	Children's I/DD Services Full Funding (Treatment and Room and Board)	\$294.08/day
	Children's I/DD Services Maintenance (Room and Board)	\$100.28/day

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<u>Agreements With:</u>	<u>For:</u>	<u>Amounts Fiscal Year 2015-2016</u>
	Disruptive Behavior Disorders Program Full Funding (Treatment and Room and Board)	336.62/day
	Disruptive Behavior Disorders Program Maintenance (Room and Board)	\$198.26/day
	Sexual Responsibility Program Full Funding (Treatment and Room and Board)	\$331.89/day
	Sexual Responsibility Program Maintenance (Room and Board)	\$193.52/day
	Treatment Family Foster Care (ages 0-12)	\$172.09/day
	Treatment Family Foster Care (ages 13 and over)	\$182.30/day
KidsPeace National Centers, Inc. Schnecksville, PA	Therapeutic Out-of-Home (Room and Board)	\$14.98/day
	Therapeutic Out-of-Home (Treatment)	\$88.95/day
	Regular Foster Care	\$53.58/day
	Intensive Foster Care	\$101.91/day
	Specialized Foster Care	\$91.40/day
	Clinical Shelter Care	\$314.23/day
	Residential Diagnostic	\$314.23/day
	Residential Treatment Facility	\$0.00
	Residential Treatment Facility - Personal Care Cost	\$3.00/day
NHS Pennsylvania Harrisburg, PA	Therapeutic Family Care – Room and Board	\$29.29/day
	Foster Care Plus	\$91.00/day
	Enhanced Foster Care	\$120.21/day
	Foster Care Respite	\$96.80/day
United Children's Homes, Inc. West Hazelton, PA	Community Based Residential	\$138.13/day
Valley Youth House, Inc. Lancaster, PA	Supervised Independent Living – Single Rate (non 24 hour care)	\$116.93/day
	Supervised Independent Living – Plus Rate (24 hour care)	\$146.09/day
	Supervised Independent Living – High Structured Apartment Living	\$187.08/day
	Independent Living REAL Mom Only	\$178.38/day
	Independent Living REAL Baby Only	\$50.99/day

Motion passed unanimously.

On motion of Commissioner Lehman, seconded by Commissioner Parsons, it was agreed for the County of Lancaster, acting on behalf of the Planning Commission, to approve the following:

<u>License Order With:</u>	The Nielsen Company (US), LLC Ithaca, New York
<u>Purpose:</u>	To provide one user license for access to Segmentation and Market Solutions, Express Insights, Business Data Bundle, and Segmentation Bundle-PRIZM.
<u>Amount/Term:</u>	Not to exceed \$18,300.00 for the period March 20, 2016 through March 19, 2017.

Motion passed unanimously.

On motion of Commissioner Parsons, seconded by Commissioner Lehman, it was agreed for the County of Lancaster, acting on behalf of the Planning Commission, to approve a request from East Earl Township for forgiveness of monies spent to date for the following Municipal Transportation Grant due to the cancellation of project by the East Earl Township Board of Supervisors at its January 12, 2016 meeting:

<u>Grant Year</u>	<u>Grantee/Project</u>	<u>Forgiveness Request Amount:</u>
2008	East Earl Township PA 897/US 322 Intersection Realignment Improvement Project	\$150,081.14

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Note: East Earl Township received a 2008 Municipal Transportation Grant in the amount of \$250,000.00 and a 2009 Municipal Transportation Grant in the amount of \$250,000.00 for the PA 897/US 322 Intersection Realignment Improvement Project. The invoices received and paid against the 2008 grant totaled \$150,081.14, and zero dollars have been requested against the 2009 grant.

Commissioner Parsons stated that this was a long process and he thinks its incumbent on the Board of Commissioners to support the process going forward. He understands that this seems to be a unique situation and an unfortunate situation and he wasn't part of the process. He stated that by all accounts the township proceeded in good faith and they had a change in circumstances, a new board that decided for various reasons including not wanting to use emanate domain, which he certainly understands, not going forward. From what Commissioner Parsons' is hearing from Solicitor Clark and others his interpretation is that if the County were to try and collect, this is likely to end in litigation against East Earl Township and the County is not necessarily likely to collect, both of which are unfortunate endings. Commissioner Parsons said that we have ourselves in a not good circumstance, but the other fact is if they would have let it expire we wouldn't be here either. He stated that it's unfortunate and it appears the only lesson is what can we do if we ever have another unique circumstance like this in the future.

Motion passed unanimously.

Mr. Morris stated that at the last meeting he talked extensively about the County's selection process of Rettew as the County Engineer and that at the end of his presentation he asked the Commissioners to take a look at it and offer an apology and a commitment to avoid such a process in the future. He is returning to see if they have given it any thought or what their reaction is, if they have any.

Solicitor Clark stated that Mr. Morris had indicated in his comments that part of the discussion came up as a result of an affidavit that the County had submitted on an Office Of Open Records Appeal which detailed a process that included an initial review by a selection committee comprised of some county employees who were charged with reviewing the application and responses to the request for qualifications that came in at that time. The committee then ranked the folks who responded to that RFQ. The Commissioners then sat for presentations from each of those groups and Chief Clerk Andrea McCue, at the time, following those presentations did have individual discussion with each of the Commissioners regarding the presentations and what their thoughts were on the potential selection of the engineer before it came to the Commissioners for official action at a public meeting. Solicitor Clark stated that part of the discussion was the appropriateness of those activities for purposes of the Sunshine Act. Solicitor Clark stated that the Sunshine Act does provide that official action and deliberation by a quorum of the Board, that would essentially mean in this circumstance two or more Commissioners, are to take place at meetings that are open to the public, unless there is an exception that applies. Solicitor Clark stated that an example would be regular Executive Session meetings where litigation, potential litigation and personnel matters are discussed. She stated that the personnel exception here is that the County had taken the position that applied at that time. She stated that specifically the Sunshine Act provides that the agency can meet in Executive Session to discuss the appointment of any specific prospective public officer or employee, not just hiring of folks who come in and serve as county employees, but also anyone subject to appointment. This would include County Solicitor and Mr. Still, who was appointed as Chief Clerk. The County Code also provides that the County Engineer is subject to appointment by the County Commissioners and serves at the pleasure of the Commissioners. Solicitor Clark stated that it is her position that discussion on the selection and appointment of the County Engineer were an appropriate subject of discussion that could be had with each Commissioner collectively, as in an Executive Session, or individually as Andrea McCue did in this situation. Solicitor Clark stated that there are cases under the Sunshine Act that specifically discussed appointment and hiring for purposes the Executive Session exemption to the Sunshine Act, not only that involve hiring of employees, but also specifically speak to the issue of appointments under the law. She cited Morning Call verses Board of School Directors case, which is the case involving the Southern Lehigh School District, and Cumberland Publishers versus Carlisle Area Board of School Directors. Solicitor Clark stated that this was her interpretation of the Sunshine Act at the time and in preparing to submit the affidavit to the Office of Open Records as she did. She stated that if she would have thought that was an issue with the process she would have dealt with it for purposes of the affidavit as well.

Commissioner Stuckey asked Solicitor Clark if the Board of Commissioners followed the letter of the law and the spirit of the law.

Solicitor Clark stated that it was her position that the Board of Commissioners satisfied its legal obligations under the Sunshine Act under her review.

Mr. Morris asked if the public can expect the County to continue in that behavior in the future.

Commissioner Lehman stated that the Board is having discussion about doing an RFQ for engineering. He stated that he personally feels that Mr. Morris makes a reasonable argument about transparency concerns. Commissioner Lehman said that when they put out the RFQ for engineering the Commissioners are going to have a screening process that will not include the Commissioners. Commissioner Stuckey felt that it was important that the Commissioners still interview the final engineering candidates, which they plan to do those final interviews at a public Work Session.

Mr. Morris stated that he would call on the Commissioners to do that process. He feels that it is outrageous that the Commissioners have the solicitor giving this answer. He stated that he will follow-up on that. Mr. Morris stated that this has nothing to do with Rettew, but with the process itself. He stated that if it is the legal intent to suggest to hire somebody to be paid millions of dollars and given a blanked contract, with the understanding that the Board would give that same firm additional contracts during the term, which the Board did many times, under a lump sum contract, behind closed doors in acknowledgment of what Solicitor Clark said is inappropriate and outrageous. Mr. Morris stated that all he is looking for here is an apology for what happened and an agreement that the Board will not go forward with such a process. Also he stated that the Commissioners seem like they are going to change the process but that there was no acknowledgement by the Commissioners that what they did was not right. He also stated that the Commissioners have very great power as both the administrator and the legislator and they have a responsibility to be transparent and do things in public. Mr. Morris reiterated what the process in which the County Engineer was selected and his problems with the way they were appointed.

Commissioner Lehman stated that if the Board of Commissioners had more transparency about the process they had done when the appointment occurred, we probably wouldn't be having this conversation. He stated that this is part of the reason why he has been so vocal in terms of how the Board should change the process going forward. Commissioner Lehman stated that anytime that you can go above and beyond being transparent it's good for the public; it's good for the vendors being chosen, it's good for the elected officials, and it's good for everyone. From a

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transparency perspective he feels this is part of the reason he is so committed to try and change the process going forward because he simply feels it's the right thing.

Mr. Morris stated that he does appreciate that Commissioner Lehman is the one person who has spoken and shown some sensitivity to what they did and that they could have been more transparent. Mr. Morris listed all the eight different times that he has given his protocols. He stated that he was here offering comments on protocols because he thought it would be helpful and it was something he thought the Board should do. Mr. Morris then moved to the extension of the contract of the County Solicitor and wanted to know the hourly rate; when it would expire; was there an agreement to cover the initial appointment; is there an end time to that agreement; and lastly if there is a need to amend the agreement other than through a resolution.

Commissioner Lehman stated that the hourly rate is the standard \$235 per hour and that it would expire March 31, 2016, under the current agreement.

Solicitor Clark gave an explanation on why there was an amendment to her contract as County Solicitor.

Mr. Morris questioned why the agenda stated Crystal Clark, Solicitor and not Crystal Clark, McNees Wallace, and he was curious how she could do one and not both.

Solicitor Clark explained that she is an employee of McNees Wallace, but that the County Code requires the appointment of an individual as the County Solicitor and not a firm, so she is the appointed solicitor.

Mr. Morris then asked if the agreement is with just Solicitor Clark or with her as an employee at McNees Wallace.

Solicitor Clark explained that she signs off on the agreement; it is approved by McNees Wallace; McNees Wallace is referenced in the agreement; and that the invoices come from McNees Wallace. She also stated that no other employee at McNees Wallace can do work under her contract, but that McNees has a separate appointment as special council so any other work would be done under a separate appointment as special council.

Commissioner Lehman recalled Mr. Morris' prior recommendation of some process, and that he actually agreed with him, noting that he would like to do professional services on a five year basis. The reason for his questions at the last meeting was to get recommendations from Mr. Morris, specifically on the engineering process, so he doesn't feel like he was being disingenuous in asking Mr. Morris for his input because Commissioner Lehman views them as two different things. There is the global policy which Mr. Morris was asking and Commissioner Lehman agreed to, in part, as it relates to the five years. What Commissioner Lehman was trying to get some input from was Mr. Morris' thoughts on the specific process as it related to the RFQ for County Engineer. Commissioner Lehman stated that if that came across as unreasonable, he apologizes, and that wasn't his intent. He stated that he will make the same offer to Mr. Morris as he did at the last meeting and he will certainly welcome Mr. Morris' expertise.

Mr. Morris gave five bullet points that he feels need to be used or answered on how to pick a County Engineer. Also he gave his feelings on how the County Commissioners should select a County Engineer.

Commissioner Parsons stated that he can't address what happened with the previous board, but he said that he is certainly committed to going forward and having a transparent process that is open and that's true to the extent that the Commissioners can do that with any professional services. As to the Solicitor, the Commissioners had a Solicitor who had committed to come but then backed out. He feels that this is not an ideal situation and that they need to move as quickly as possible to have a permanent Solicitor.

Commissioner Lehman stated that he agreed with Commissioner Parsons' comments.

Mr. Cutler made comments about municipal bonds and how the County can benefit from the process of using them. Mr. Cutler also stated that he is trying to get it copyrighted and passed through legislation.

Commissioner Stuckey stated that this action would need to be taken at the state level and not the county level.

On motion of Commissioner Lehman, seconded by Commissioner Parsons, the meeting adjourned at 10:48 a.m.

Motion passed unanimously.

Respectfully submitted,

Sara E. Glatfelter, Executive Assistant
Commissioners' Office