

COUNTY COMMISSIONERS' MINUTES
WEDNESDAY, JULY 20, 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 Lehman
BOARD OF COUNTY COMMISSIONERS

Robert T. Still
CHIEF CLERK

Lisa Johnson
ASSISTANT CHIEF CLERK

Christina L. Hausner, Esquire
COUNTY SOLICITOR

Also present were:

Tom Degnan, Resident
RAPHO TOWNSHIP

Charles Douts, Director
FACILITIES MANAGEMENT

Drew Fredericks, Director
YOUTH INTERVENTION CENTER

Lawrence George, Executive Director
BEHAVIORAL HEALTH/DEVELOPMENTAL SERVICES

Tim Horstmann, Esquire
MCNEES, WALLACE AND NURICK

Matt Knepper, Director
AGRICULTURAL PRESERVE BOARD

William Peters, Director
HUMAN RESOURCES

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

Commissioner Stuckey announced to postpone approval of June 29, 2016 Commissioners' Meeting Minutes, July 6, 2016 Commissioners' Meeting Minutes, and July 13, 2016 County Commissioners' Meeting Minutes.

Commissioner Stuckey re-announced there will be no Work Session held on Tuesday, July 26, 2016, and there will be no Commissioners' Meeting held on Wednesday, July 27, 2016.

Commissioner Stuckey announced there will be no Work Session held on Tuesday, August 9, 2016, and there will be no Commissioners' Meeting held on Wednesday, August 10, 2016.

Presentation of Star Performer Award to Diana Serrano

Diane Serrano, Recipient of Star Performer Award, and Youth Care Worker, Youth Intervention Center
William Peters, Director, Human Resources
Sue Lao, Deputy Director, Human Resources
Drew Fredericks, Director, Youth Intervention Center
Fred Arnold, Detention Supervisor, Youth Intervention Center
Joseph Choi, Detention Supervisor, Youth Intervention Center
Jennifer Horn, Training Coordinator, Youth Intervention Center

Mr. Peters read the award and Mr. Fredericks said they were very proud and grateful for Ms. Serrano's intuition in dealing with this resident and incident, which showed her value to their organization and the County in averting a tragedy.

The Board congratulated Ms. Serrano, noting this shows how much the staff at YIC cares about the youth and thanked her for making such a difference.

Proclamation – "Clean Water Counts Month"

Commissioner Lehman read the proclamation, and noted he believes fresh water resources are critically important and are going to become more and more important to our local economy and quality of life. Communities who improve their local water quality will have a competitive edge going forward in a variety of ways – including impacting recreation and tourism. We are blessed here in Lancaster County with an abundance of fresh water resources and it is incumbent upon us to recognize that and do what we can to improve it.

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Commissioner Parsons agreed, noting it is important to the Chesapeake Bay, agriculture and our economy. Commissioner Stuckey noted fresh water is vital to all of us, he is heartened that we have 300 miles of high quality water, but we have some work to do on the others and need to do so collaboratively.

On motion of Commissioner Parsons, seconded by Commissioner Lehman, it was agreed for the County of Lancaster to enter into Contracts of Sale of Agricultural Conservation Easements with the following property owners:

<u>Name/Township</u>	<u>Type of Easement</u>	<u>County Share</u>	<u>State Share</u>	<u>Township Share</u>
Jonas S. and Sadie Allgyer Caernarvon Township	Perpetual	\$129,454.00	\$0.00	\$49,790.00

The Commissioners certify that the Jonas S. and Sadie Allgyer property, consisting of 49.79 acres, is located in the Agricultural Security Area of Caernarvon Township.

<u>Name/Township</u>	<u>Type of Easement</u>	<u>County Share</u>	<u>State Share</u>	<u>Township Share</u>
Nelson K. and Mary L. Ginder East Donegal Township	Perpetual	\$83,118.00	\$0.00	\$0.00

The Commissioners certify that the Nelson K. and Mary L. Ginder property, consisting of 44.33 acres, is located in the Agricultural Security Area of East Donegal Township.

Motion passed unanimously.

Mr. Degnan asked if these are working farms with streams and if there was an opportunity for the County to tie in the Clean Water proclamation. Mr. Knepper stated that all farms preserved by Lancaster County are required to have a soil and water conservation plan which addresses run-off and preventing run-off from entering a stream. Commissioner Parsons noted that the Farmland Trust is also doing work on restoring streams.

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:

1. **Amended Agreement No. 2 With:** Helping Hands Therapy, Inc.
Denver, Pennsylvania

Purpose: To increase occupational therapy and special instruction services and decrease physical therapy services based on projected utilization of services.

Amount/Term: Increase the amount of the existing contract by \$11,037.66, for a total contract amount not to exceed \$299,393.95 for Fiscal Year 2015-2016.
2. **Amended Agreement No. 3 With:** The Arc of Lancaster County
Lancaster, Pennsylvania

Purpose: To provide for the following one-time items: file cabinet, paper cutter, paper, database, case management software, Information Technology support, and an e-mail program.

Amount/Term: Increase the amount of the existing contract by \$8,018.90, for a total contract amount not to exceed \$180,564.90 for Fiscal Year 2015-2016.
3. **Agreement With:** Bentley, Gibson, Kopecki, Smith, P.C.
Wyomissing, Pennsylvania

Purpose: To provide emergency mental health hearings for individuals being served by Lancaster County Behavioral Health. Mileage will be reimbursed at the prevailing U.S. General Services Administration rate currently at \$0.54 per mile.

Amount/Term: Not to exceed \$22,300.00 for Fiscal Year 2016-2017.
4. **Agreement With:** Kaleidoscope Family Solutions, Inc.
Bryn Mawr, Pennsylvania

Purpose: To provide home and community habilitation services to individuals being served by Lancaster County Intellectual Disabilities.

Amount/Term: Not to exceed \$23,360.40 for Fiscal Year 2016-2017.
5. **Agreement With:** Lehman Speech and Language Services
Manheim, Pennsylvania

Purpose: To provide special instruction and speech therapy services to children being served by Lancaster County Early Intervention.

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- Amount/Term:** Not to exceed \$51,422.15 for Fiscal Year 2016-2017.
6. **Agreement With:** Theraplay, Inc.
West Chester, Pennsylvania
- Purpose:** To provide special instruction and various therapies to children being served by Lancaster County Early Intervention.
- Amount/Term:** Not to exceed \$39,009.67 for Fiscal Year 2016-2017.
- 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 Facilities Management Department, to approve the following:

- Right-of-Way Agreement and Temporary Construction Easement Agreement With:** Samuel M. and Lydiann Stoltzfus
Gordonville, Pennsylvania
- To grant and convey to the County of Lancaster .082 acre of required right-of-way and a temporary easement for construction area of .242 acre (Tax Account No. 490-36966-0-0000), located at 76 Meadow Lane, Gordonville, Pennsylvania, Paradise Township, for the purpose of allowing the County to complete the Pequea No. 5 Bridge replacement project in accordance with the terms and conditions set forth in the Agreements.
- Amount:** \$2,013.50 (Liquid Fuels funding).
- Term:** Effective July 20, 2016 through completion of project.
- Motion passed unanimously.

Mr. Still discussed Ordinance No. 121, an amendment to Ordinance No. 108 which was enacted on July 10, 2013 and was a three year arrangement with Wells Fargo as a refunding of the County's general obligation bonds from a series of 2005 into a variable rate issuance. Commissioner Parsons pointed out this meeting will be recessed because a regular Commissioners' Meeting was not scheduled for next week. Mr. Still further explained another reason for the delay until next week is to provide the notice required prior to August 1st when the Ordinance expires. Mr. Horstmann clarified for the Board the bank that purchased the bonds, Wells Fargo, is required to put them back to the County and the County is required to purchase them so rather than have the County incur the costs of having to purchase back those bonds which would be \$15 million plus the accrued interest, this will extend the initial purchase date by three years. The interest rate will go up slightly, five basis points, under the three year option. Commissioner Lehman noted this is the only variable rate debt that the County currently has and this variable rate is working for us so it makes sense to renew it at this time. Mr. Horstmann confirmed the variable rate has been 1% or less.

Mr. Degnan brought two concerns to the Board regarding different gas prices - East Petersburg is 18 cents less than Rapho Township, and school bus safety traveling in the town of Salunga. Commissioner Lehman recommended Mr. Degnan speak with someone who understands the gas market and to coordinate between PennDOT and the municipality regarding the school bus issue.

On motion of Commissioner Lehman this morning's Commissioners' Meeting will be recessed until Thursday, July 28, 2016, at 3:30 p.m. in Conference Room #701, Lancaster County Government Center, to consider approving amendments to Ordinance No. 108 of 2013, which authorized the issuance of the County's General Obligation Bonds, Series C of 2013, to provide for a one-year extension of the initial bank purchase date on the Series C of 2013 Bonds, seconded by Commissioner Parsons, the meeting was recessed at 9:49 a.m.

Commissioner Stuckey announced the Board will have a short Executive Session following today's meeting to discuss personnel and real estate matters.

Motion passed unanimously.

COUNTY RECESSED COMMISSIONERS' MINUTES
THURSDAY, JULY 28, 2016

The Board of County Commissioners reconvened today in a recessed Commissioners' Meeting from Wednesday, July 20, 2016.

Present at today's meeting were:

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

Robert T. Still
CHIEF CLERK

Lisa Johnson
ASSISTANT CHIEF CLERK

Christina L. Hausner, Esquire
COUNTY SOLICITOR

Also present were:

Donna Kreiser, Esquire
MCNEES, WALLACE AND NURICK

Tim Horstmann, Esquire
MCNEES, WALLACE AND NURICK

Jay Wenger, Managing Director
SUSQUEHANNA ADVISORS

Commissioner Stuckey called the meeting to order at 3:30 p.m.

ORDINANCE NO. 121
OF THE BOARD OF COMMISSIONERS
OF THE
COUNTY OF LANCASTER, PENNSYLVANIA

On motion of Commissioner Parsons, seconded by Commissioner Lehman;

APPROVING CERTAIN AMENDMENTS TO ORDINANCE NO. 108 OF THE COUNTY ENACTED ON JULY 10, 2013; AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO THE CONTINUING COVENANT AGREEMENT DATED AUGUST 1, 2013, BETWEEN THE COUNTY OF LANCASTER, PENNSYLVANIA AND WELLS FARGO MUNICIPAL CAPITAL STRATEGIES, LLC IN CONNECTION WITH THE COUNTY'S GENERAL OBLIGATION BONDS, SERIES C OF 2013; AUTHORIZING THE OFFICIALS OF THE COUNTY TO TAKE OTHER APPROPRIATE ACTION; SEVERABILITY OF PROVISIONS AND STATING EFFECTIVE DATE.

WHEREAS, by Ordinance No. 108, enacted on July 10, 2013 ("Ordinance No. 108"), the County of Lancaster, Pennsylvania (the "County"), authorized, *inter alia*, the current refunding of the County's General Obligation Bonds, Series of 2005, through the issuance of its General Obligation Bonds, Series C of 2013 (the "2013C Bonds"); and

WHEREAS, all capitalized terms used in this Ordinance and not defined herein shall have the meanings set forth in Ordinance No. 108; and

WHEREAS, in accordance with Ordinance No. 108 the County sold the 2013C Bonds to Wells Fargo Municipal Capital Strategies, LLC (the "Bank"), and in connection with such sale entered into a Continuing Covenant Agreement dated August 1, 2013 (the "Continuing Covenant Agreement"), with the Bank; and

WHEREAS, under Ordinance No. 108 the 2013C Bonds were originally issued as Index Rate Bonds bearing interest at the LIBOR Index Rate during the Initial Period; and

WHEREAS, pursuant to Ordinance No. 108 the Initial Period will end on the Initial Bank Purchase Date, which is August 1, 2016; and

WHEREAS, the County and the Bank desire to, *inter alia*, extend the Initial Bank Purchase Date to August 1, 2019 and in connection therewith will enter into a First Amendment to Continuing Covenant Agreement dated July 28, 2016 (the "Amended Continuing Covenant Agreement"), and

WHEREAS, the County desires to amend Ordinance No. 108 to extend the Initial Bank Purchase Date and to make certain other changes, as set forth below; and

WHEREAS, the Bank, as the sole owner of the 2013C Bonds, is willing to consent to the changes to Ordinance No. 108 on the terms set forth in the Amended Continuing Covenant Agreement.

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NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Commissioners of the County of Lancaster, Pennsylvania, as follows:

Amendment of Ordinance No. 108. The County hereby approves the following amendments of Ordinance No. 108:

Article I, Section 1.01: The definition of the term "Applicable Spread" is deleted and replaced with the following:

"Applicable Spread" means, with respect to each Index Rate Period, the following:

(a) *During the Initial Period, initially 60 basis points (0.60%); provided, however, that in the event of any change in any credit rating assigned to the long-term unenhanced general obligation debt of the County by Moody's or S&P, the Applicable Spread shall be the number of basis points associated with such new rating as set forth in the following schedule:*

<i>Tier</i>	<i>Credit Ratings (Moody's/S&P)</i>	<i>Applicable Spread</i>
<i>I</i>	<i>A1/A+ or above</i>	<i>60bps</i>
<i>II</i>	<i>A2/A</i>	<i>75bps</i>
<i>III</i>	<i>A3/A-</i>	<i>90bps</i>
<i>IV</i>	<i>Baa1/BBB+</i>	<i>115bps</i>
<i>V</i>	<i>Baa2/BBB</i>	<i>150bps</i>
<i>VI</i>	<i>Baa3/BBB- or below</i>	<i>200bps</i>

In the case of a split rating or differing ratings as between and among the Rating Agencies, the rating corresponding to the highest numbered tier set forth above and corresponding to the lowest rating shall apply for all purposes of determining the Applicable Spread. References in this definition of Applicable Spread are to rating categories as presently determined by the Rating Agencies, and in the event of the adoption of any new or changed rating system or a "global" rating scale by any such Rating Agency, the rating categories shall be adjusted accordingly to a new rating which most closely approximates the requirements as set forth herein. Any change in the Applicable Spread shall apply to the LIBOR Index Reset Date or SIFMA Rate Reset Date, as applicable, next succeeding the date on which the change occurs.

(b) *During any Index Rate Period other than the Initial Period, the number of basis points determined by the Market Agent on or before the first day of such Index Rate Period and designated by the County in accordance with Section 4.08 (which may include a schedule for the Applicable Spread based upon the ratings assigned to the long-term unenhanced general obligation debt of the County as described in subparagraph (a) in this definition) that, when added to the SIFMA Index (and multiplied by the Margin Rate Factor) or the product of the LIBOR Index multiplied by the Applicable Factor (and multiplied by the Margin Rate Factor), as applicable, would equal the minimum interest rate per annum that would enable the Series C Bonds to be sold on such date at a price equal to the principal amount thereof (without regard to accrued interest, if any, thereon).*

Article I, Section 1.01: The definition of the term "Initial Bank Purchase Date" is deleted and replaced with the following:

"Initial Bank Purchase Date" means August 1, 2019.

Article I, Section 1.01: The definition of the term "LIBOR Index" is deleted and replaced with the following:

"LIBOR Index" means the London interbank offered rate for U.S. dollar deposits for a one-month period, which rate appears on the display designated as Reuters Screen LIBOR01 Page (or such other page as may replace Reuters Screen LIBOR01 Page or such other service or services as designated by the Calculation Agent for the purpose of displaying London interbank offered rates for United States dollar deposits), determined as of approximately 11:00 a.m., London time, on each Computation Date for effect on the next succeeding LIBOR Index Reset Date, or if such rate is not available, another rate reasonably determined by the Calculation Agent of which the County has received written notice. Notwithstanding anything in this Ordinance to the contrary, if the LIBOR Index determined as provided above would be less than zero percent (0.0%), then the LIBOR Index shall be deemed to be zero percent (0.0%).

All references to "Applicable Spread", "Initial Bank Purchase Date" and "LIBOR Index" in Ordinance No. 108 shall be deemed to refer to the respective defined terms contained herein.

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Ratification and Confirmation of Ordinance No. 108. All terms, conditions, covenants, and agreements of Ordinance No. 108, except to the extent that the same are modified or amended or supplemented hereby, are ratified and confirmed and are declared to be and shall be and shall remain in full force and effect.

Amended Continuing Covenant Agreement. The Proper Officers of the County are hereby authorized, directed and empowered on behalf of the County to execute, deliver and perform the Amended Continuing Covenant Agreement with the Bank, in such form as prepared by the Bank and approved by the County solicitor and McNeese Wallace & Nurick LLC, as Bond Counsel.

Incidental Actions. The Proper Officers of the County are hereby authorized, directed and empowered on behalf of the County to execute any and all papers and documents and to do or cause to be done any and all acts and things necessary or proper for the carrying out of the provisions of this Ordinance.

Severability. In case any one or more of the provisions of this Ordinance shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions of this Ordinance and this Ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein.

Effective Date. This Ordinance shall become effective on the date set forth below.

Motion passed unanimously.

On motion of Commissioner Lehman, seconded by Commissioner Parsons, the meeting was adjourned at 3:37 p.m.

Respectfully submitted,

Christine M. Carrigan, Executive Assistant
Commissioners' Office