

COUNTY COMMISSIONERS' MINUTES
WEDNESDAY, MAY 27, 2020

The Board of County Commissioners met today for a Commissioners' Meeting.

The Commissioners' Meeting was conducted remotely during the COVID-19 pandemic State of Emergency declaration. The public was invited to view and participate in a live, moderated broadcast.

Participating in today's meeting were:

Joshua G. Parsons, Chairman
Ray D'Agostino, Vice-Chairman
Craig E. Lehman
BOARD OF COUNTY COMMISSIONERS

Lawrence M. George
CHIEF CLERK

Christina Hausner, Esquire
COUNTY SOLICITOR

Other participants were:

David Ashworth, President Judge
COURT OF COMMON PLEAS

Tom Baldrige, President and CEO
LANCASTER CHAMBER OF COMMERCE

Russell Glass, Deputy Court Administrator
COURT ADMINISTRATION

Lyle Hossler, Vice President
ECONOMIC DEVELOPMENT COMPANY OF LANCASTER COUNTY

Pat Mulligan, Director
BUDGET SERVICES

Lisa Riggs, President
ECONOMIC DEVELOPMENT COMPANY OF LANCASTER COUNTY

Raymond Sheller
MAGISTERIAL DISTRICT JUDGE

Andrea Shirk, General Manager
ROCK LITITZ

Brett Tennis, Principle
WALZ GROUP

Heather Valudes, Community Impact Director
LANCASTER CHAMBER OF COMMERCE

Nicholas Wachinski, Esquire
CONSTABLE PEACE KEEP DETAILS, LLC

Barbara Zortman, Director
CENTER FOR TRAFFIC SAFETY – YORK, PENNSYLVANIA

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

Commissioner Parsons announced the postponement of approval of the April 15, 2020 Commissioners' Meeting Minutes, May 6, 2020 Commissioners' Meeting Minutes, May 13, 2020 Commissioners' Meeting Minutes and May 20, 2020 Commissioners' Meeting Minutes.

Commissioner Parsons announced that the Board of Commissioners met in an Executive Session on Monday, May 26, 2020 at 9:30 a.m. to discuss personnel and litigation on the Margarito Case (Docket #8273-2019) matters.

Commissioner Parsons made the following re-announcements:

- The Commissioners' Work Sessions scheduled for Tuesday, June 2, 2020 at 10:00 a.m.
- The Evening County Commissioners' Meeting scheduled for Wednesday, June 17, 2020 at 7:00 p.m. at Sadsbury Township Municipal Building has been cancelled and will be rescheduled at a later date.

-Continued-

Commissioner D'Agostino continued to thank all staff on what they have done and continue to do to keep public services going and as we return, it is good to see faces back in the building. A special shout out to the Prison staff, as they have done not a phenomenal job of mitigating the spread, and to the Youth Intervention Center for not having any confirmed cases. He acknowledged Mr. Wenger and the Elections staff, who have worked throughout the entire time, processing over 64,000 mail-in ballots during the holiday weekend to keep things in order for the upcoming Election. Commissioner D'Agostino thanked the citizens of Lancaster County who are mindful that we still have this virus and their efforts to protect those that are vulnerable in Lancaster County.

Commissioner Lehman thanked County staff who have been doing an extraordinary job under difficult circumstances, noting again the way we pivoted from physical to remote operations has been a true testament of the folks who are working here at County government. He gave a special shout out to the 24-hour departments (Prison, YIC, 911 and Crisis) along with Children and Youth case workers who have been out in the field this entire time; their work is needed to protect children here in Lancaster County. Commissioner Lehman indicated we are not out of the woods yet and encouraged those to not discontinue the social practices that have been put in place. We still do not have a treatment, and if we want to win the war against COVID-19 were going to have to continue these practices at least for the foreseeable future, concluding that it is about protecting your neighbor as well as protecting yourself.

RESOLUTION NO. 36 OF 2020 AS AMENDED

LANCASTER COUNTY COVID-19 RELIEF FUND

On motion of Commissioner D'Agostino, seconded by Commissioner Lehman;

WHEREAS, since the emergence of the COVID-19 coronavirus in December of 2019 in China, the world has been in the grip of a pandemic. Countries around the world, including the United States, individual states, including Pennsylvania, counties and municipalities, including Lancaster County, have declared states of emergency due to the public health crisis; and

WHEREAS, in order to protect and save lives, business shutdowns, stay-at-home orders, social distancing and virus spread mitigation measures have been enacted. To assist with the economic fallout from these measures to protect public health, state and federal governments have provided financial assistance. In March, Congress and the President worked on several bills that are now known as the Coronavirus Aid, Relief and Economic Security (**CARES Act**); and

WHEREAS, Lancaster County is fortunate to have received funds through the CARES Act, including being only one of seven counties in Pennsylvania to have received a direct allocation of \$95,224,630 in CARES Act Funds through Title V, and other funds. Title V of the CARES Act provides that payments from the Fund may only be used to cover costs that (directly quoted from the Act):

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

In addition, according to guidance, which is still evolving, from the U.S. Treasury Department, any Title V CARES Act funds which are not expended and still remain on 12/30/2020, and/or expenses deemed by Treasury to not be in compliance with the Act, must be returned to Treasury. Also made clear that these funds "may not be used to fill shortfalls in government revenue" and must be used for "expenditures that are for actions taken to respond to the COVID-19 public health emergency;" and

WHEREAS, compliance with the statute and provided guidance will be through audits by the Treasury Inspector General, therefore accounting for, and having proper documentation of expenses and rationale for said expenses, is vital. Given the urgent needs created, and yet still evolving, by the COVID-19 crisis, the County must have a framework to deploy the funds in an effective, efficient, and transparent manner, and

WHEREAS, the County has developed said framework in a document titled "Lancaster County COVID-19 Relief Fund," which is attached, and incorporated herein, articulates the Board of County Commissioners three overarching priorities during the COVID-19 pandemic crisis:

1. Protecting the health, welfare and safety of county citizens with a goal of providing funds that will enhance virus spread mitigation efforts and provide assistance to at-risk and vulnerable populations;
2. Maintaining public service continuity of operations and effective emergency response with the goal of ensuring that essential public services by the County and local governments can be maintained in a safe manner and providing for an effective emergency response;
3. Reopening and supporting the local economy so that individuals, families and businesses can once again thrive with the goal of providing "economic support to those suffering from business interruptions due to COVID-19-related business closures" in order to reopen or maintain operations during the crisis; and

WHEREAS, CARES Act funds wholly support these priorities and are more fully described, with examples based on Treasury guidance provided to date, and with initial allocations of CARES Act Title V funds in the framework, and

WHEREAS, the County must ensure and be able to demonstrate compliance with funding requirements, the framework provides for the requirement of internal departments, elected offices, and external agencies receiving funds to provide documentation on the expenditure of these funds, and

WHEREAS, the County Commissioners, to ensure transparency in the allocation and utilization of the CARES Act funds, the framework requires regular and timely reports to be submitted to the Commissioners, which will be made publicly available through various means, and in accordance appropriate laws,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LANCASTER, PENNSYLVANIA that the Board hereby approves Resolution No. 36 of 2020 providing a framework for, and parameters guiding, the oversight and allocation of the CARES Act Title V Funds as more fully described in the attached document, "Lancaster County COVID-19 Relief Fund," and that the following statement be added to this document under Allocation of Funds, first paragraph, last sentence on page four: "Changes to this allocation plan are expected as the crisis evolves and more information is known, and such revisions will be completed through a vote of the Board of Commissioners."

Motion passed unanimously.

Center for Traffic Safety Presentation and Letter of Support for Fiscal Year 2021-2023 Grant Application for Community Traffic Safety on behalf of the York County Board of Commissioners

Ms. Zortman gave a highlight program of what they provide, stating they are asking for acknowledgement in their County if the Commissioners approve the Plan and also noted the change for fiscal year 2021-2022.

Commissioner D'Agostino thanked Ms. Zortman and the Center for the important work they do and said he has no problem with the plan.

Commissioner Lehman asked for clarification, as the draft letter indicates FFY 2021-2023. Ms. Zortman stated that it should read 2021-2022 because October 1, 2020 is the beginning of FFY 2021, which ends September 30, 2022; the letter should read FFY's 2021 and 2022.

RESOLUTION NO. 41 OF 2020

On motion of Commissioner Lehman, seconded by Commissioner D'Agostino, it was agreed for the County of Lancaster to recognize \$59,148,856 from the total amount available in CARES Act revenues and appropriating the funds necessary for the purchasing and distribution of Personal Protective Equipment (PPE) for the small businesses throughout Lancaster County and to amend Resolution No. 37 of 2020 approved May 13, 2020.

During the May 20, 2020 Commissioners Meeting, it was agreed to that the County of Lancaster would enter in an agreement with the Lancaster Chamber of Commerce and Lancaster Economic Development Corporation for the purpose of establishing a county economic recovery and sustainability program totaling \$33.400 million for the period ending December 31, 2020. At the same meeting, it was agreed to that the County of Lancaster would enter into an agreement with Lancaster General Hospital for the purposes of establishing a county-wide Contact Tracing and Testing program totaling \$24.749 million for the period ending December 31, 2020.

In addition, this resolution allocates for spending \$4.224 million for county purposes and amends Resolution No. 37 of 2020 approved May 13, 2020 by correcting the \$1.0 million revenue transaction that was incorrectly identified in the original resolution.

The expenditures meet the criteria established for eligibility under the CARES Act and represent only a portion of the eligible costs expected to be incurred by the County of Lancaster to address the COVID 19 pandemic.

Revenue Actions

TO:

Lancaster County-
COVID 19 Revenue Account
6311 A A1111 45006 \$58,148,856 (+)

Lancaster County-
COVID 19 Revenue Account
6311 A A1111 45006 \$ 1,000,000 (+)
(Amends Resolution No. 37 approved 05-13-20)

Appropriation/Spending Actions

TO:

Commissioners Office -
COVID 19-Small Business Personal
Protective Equipment (PPE)
7200 A A1111 45008 \$ 6,000,000 (+)

Commissioners Office -
COVID 19-Small Business Recovery
and Sustainability
7300 A A1111 45009 \$25,000,000 (+)

Commissioners Office - COVID 19-Small Business Communication and Administration 7100 A A1111 45010	<u>\$ 2,400,000 (+)</u>
Commissioners Office - COVID 19-Contact Tracing and Testing Program Costs 7300 A A1111 45010	<u>\$18,631,171 (+)</u>
Commissioners Office - COVID 19-Contact Tracing and Testing Administration and Oversight 7100 A A1111 45010	<u>\$ 6,117,685 (+)</u>
Commissioners Office - COVID-19 Response Account 7200 A A1111 45006	<u>\$ 1,750,000 (+)</u>
Commissioners Office - COVID-19 Response Account 7300 A A1111 45006	<u>\$ 1,750,000 (+)</u>
Commissioners Office - COVID-19 Response Account 7100 A A1111 45006	<u>\$ 724,630 (+)</u>

Motion passed unanimously.

On motion of Commissioner Lehman, seconded by Commissioner D'Agostino, it was agreed for the County of Lancaster, acting on behalf of Court Administration, to approve the following, as amended:

Services Agreement With:

Constable Peace Keeping Details, LLC (CPKD)
Lancaster, Pennsylvania

Purpose:

To provide peacekeeping services to the Magisterial District Courts during the COVID-19 crisis and Declaration of Judicial Emergency, including, but not be limited to, protecting the health, safety and welfare of court staff and participants and ensuring safe operations. CPKD shall provide up to six constables each court day or additional constables if directed.

Amount:

Compensation rate is \$32.50 per hour for work performed for a full day, and the minimum fee of four hours' pay at \$32.50 per hour if hours worked are less than four in a day. CARES Act Funding not to exceed \$200,000.00.

Term:

Commencing June 1, 2020 and continuing for a period of one month. This agreement shall automatically renew for additional one-month terms unless terminated by either party with five days' prior written notice, or automatically terminated on December 30, 2020, whichever is sooner.

Motion passed unanimously.

Amendment to Service Agreement with the Lancaster Chamber of Commerce and Economic Development Company of Lancaster.

Ms. Riggs said the key point to stress is that these are guidelines, a series of next steps and a timeline, and does not mean the programs will be accessible to businesses as soon as we get through today's action or whenever the approval occurs. They are really careful given the distress and anxiety of our local business community to make sure we are setting our expectations right, and want to be very clear that just because there is formal action today does not mean the programs are opening tomorrow. Ms. Riggs also stated they are thrilled that the PPE Program will be available to all businesses with 100 or fewer employees.

Ms. Shirk stated that one of the priority strategies to re-open Lancaster County Businesses safely is to ensure the access to the personal protection equipment and the cleaning products that really will allow safe operations for employees and customers. The challenge will be long lead times on these items, lack of funds for a lot of the small businesses and lack of availability. The EDC, the Chamber and the County will be rolling out a program to get PPE cleaning products to eligible businesses for free. The eligible businesses are Lancaster County businesses, Non-Profit, Sole-proprietors, and Agricultural Production Operations with 100 or fewer employees, noting that 72% of the companies in Lancaster have fewer than 10 employees. A website will be available in early June, for any eligible businesses to register for free PPE.

Mr. Tennis, Mr. Hossler and Ms. Valudes provided information to the Board regarding the guidelines presented.

Ms. Hausner explained the bulk of the document is the first exhibit, which was signed last week, and exhibit B is the agreement as amended, noting the most significant amendment is the addition of the guidelines.

Commissioner D'Agostino stated it is not possible to over acknowledge the work of all the volunteers and the staff who have been the face of this, along with our own County staff. He appreciated the amount of hard work and attention to detail, noting this is a testimony to the fact that this is an uphill battle to help our businesses who are the back bone of our economy, to open up safely and quickly as possible given the circumstances of the crisis.

Commissioner Lehman thanked everyone for their hard work, noting it is truly an amazing amount of work that got us to this point, particularly the volunteers. On the guidelines, he is pleased that we are trying to establish some objective criteria to try and determine the needs which is very important under the circumstances. He also appreciates the outreach of translation services and noted that we need to do as much outreach as we can to make sure that we are positively impacting as many small businesses as we can. Commissioner Lehman asked for some clarity on when businesses can apply, request, and expect PPE.

Ms. Shirk said the website is being work on and should be up and running by the first week in June, then the week of June 8 for all businesses to go live. They are anticipating a 48-hour turn around; however, the goal is 24 hours. They are pushing aggressively to make sure that the week of the 8th they can receive orders and start filling them. Ms. Riggs states the website www.recoverlancaster.com is the signature piece that will be portal for the PPE, and the portal in which people will be applying for the sustainability grant funds during the first and future phases.

On motion of Commissioner D'Agostino, seconded by Commissioner Lehman, it was agreed for the County of Lancaster, to approve the Amendment to Services Agreement with the Lancaster Chamber of Commerce and Economic Development Company of Lancaster County dated May 20, 2020 s follows:

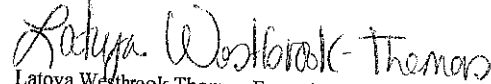
(see attachment)

Motion passed unanimously.

On motion of Commissioner D'Agostino, seconded by Commissioner Lehman, the meeting was adjourned at 11:25 a.m.

Motion passed unanimously.

Respectfully submitted,


Latoya Westbrook-Thomas, Executive Assistant
Commissioners' Office