

St. Clairsville, Ohio

April 30, 2002

The Board of Commissioners of Belmont County, Ohio, met this day in SPECIAL SESSION. Present: Mark A. Thomas, Charles R. Probst, and Ryan E. Olexo Commissioners and Darlene Pempek, Clerk of the Board.

### **SPECIAL SESSION**

Present for the meeting were the following:

Ann Pack, Dorothy Albasin, John Earls, Jim & Connie Cutlip, Sheila Smith, Greg Bizzarri, Lorena Borovich, Helen V. Stanford, Bruce Smith, Shayna L. Smith, Kate Coe, Betty Smith, Pam Pugh, Jane Friend, Sharon Acosta, Bob Munjas, Joselyn King, Betty Jakubic, Doris Craig, Jane Thornburg, ? Craig, Jean Craig, Pauline Henry, Vickie McMahon, Amy Mihalyo, Stanley Borovich, Marlene Ramsay, Bill Ramsay, LaVerne Kriechbaum, Chris Boyd, Kathy J. Heil, Violet Ryan, Raymond Heil, Dolores Cost, Janet Neuman, Tom Neuman, Donna Steadman, Karen Divjak, Tina Neiswenger, Mary L. Brnich, Ricky Brnich, Beverly Bargar, Sue Piekowski, Mary Ann Gould, Phyllis J. Harding, Frank L. Carrothers, Sr., Francis R. Smith, William Doleski, Milton Porter, Rosemary Householder, Bonnie Milliken, Myrtle Rowley, Jim Wehr, Shirley Wehr, Jane Bondy, Irene S?, Isabelle Dohonish, Margaret Whitsell, Catherine Naylor, Florence McWharton, Helen Wallace, Mr. & Mrs. Myron R. Johnson, Martha Piehowicz, John Piehowicz, Loraine Carroll, Ed Good, Cindy Anuskewic, Carol A. Roberts, Charles Snider, Linda Wells, Lois Kwiatkowski, ? Kuhn, Franklin C. Shaffer, Jr., Doc Householder, Art Thompson, Gerald Sloan, Mike Bianconi, John Pollock, Jewell Yeary, Rose Lukich, Donald L. Bibey, Lance Cost, Pam Smith, Ted Hanlon, Don Bibey, Rev. Lee Eilert, John S. Mattox

Commissioner Thomas began the meeting by thanking Dr. Joseph Bukowski and Belmont Technical College for hosting the meeting in Horizon Hall. He continued by requesting those residents in attendance that have questions for the Commissioners or the Collamore Group to please fill out a form stating the question and/or comment. Once the meeting began, each question would then be answered. Commissioner Thomas also stated, "It is very important for everyone to hear the questions, comments, and answers. Please respect the person speaking, as you would like to be respected. We want this meeting to be held as efficiently and timely as possible. We will end the meeting anytime anyone is out of order. You may speak if you have filled out this form. "

Mr. Robert Munjas, questioned, "I have a question and I filled out a form. What if someone says something I want to ask?"

Commissioner Thomas stated, "We won't be repetitive. These questions will be read in no order. You may also have a question after hearing other answers, or you may have more questions. We want there to be order to this format. We have written questions and I'll do my best, you do your best. We will allow five minutes per person. This has never been about not giving the public the opportunity to speak. The Commissioners wanted time for the report to come in." Commissioner Thomas asked the other two Commissioners on the panel if they had any comments for the public, of which there were none.

Commissioner Thomas introduced Mr. Jerry Collamore and Ms. Susan Wolfe representing The Collamore Group. Susan Wolfe gave a brief presentation of information beginning with, "On January 12, 2002, The Collamore Group entered into a written contract with the Commissioners. This contract was not to investigate, it was not to perform an audit, not a management audit, not a fiscal audit. We were contracted to research the emerging needs of the older seniors in the Belmont County community. And to determine if the current programs offered through Belmont Senior Services were helping to meet the needs of the seniors and how to better improve them. There was a lot of expectation, that the scope of the study was going to be greater in depth. We discussed not presenting a report for six months. When we came into the community, we noticed a lot of concerns being expressed. There was a lot of stuff in the press; how the Board was handling things; management styles; who's driving the van; what is the policy pertaining to contributions; how the levy dollars are being utilized. Belmont County has been doing a very fine job utilizing their network of funds and services to serve this community. I was concerned, was I not finding something. There are questions, management questions, questions regarding to protocol and policies. This does not imply criminal wrongdoing or that the senior care is not good. What it means is the community needs to be better. Everybody owns this problem. We released a lengthy report which was summarized in the newspaper and on radio talk shows. It is important to note that this is your opportunity, after seeing the recommendations we made to ask questions. We may not have an answer to every question. We offered recommendations to help solve problems. There are excellent resources to help solve outside issues controversies and problems, and to take measures not to happen again once that is solved. Every single one of you should be very proud of this county. It is one of the best I've seen in terms of motivation and what is done for the dollar. We had sixty comments and recommendations in the report. At the very end in the final

recommendation, I had been in the county a couple of months, we recommended to revise the contract. We suggested a community advisory board; a coalition of agencies; broaden Belmont Senior Services Board of Trustees; help BSS with the myriad of growing problems; help BSS implement strategic plans; help community partner together with providers, those served, Commissioners; and those who care about senior citizens. I have a disclaimer, from the report, I had inadvertently left Jefferson County in and the comment was not true. It was an unintentional error. I do need to comment that everyone was helpful. This is a terrific community and you should all be very proud."

Commissioner Thomas thanked Ms. Wolfe and read the first question which was from Chad Burell, "During all the troubles, where were the Board members of the agency? The Board of Trustees?"

Commissioner Thomas stated neither the Commissioners nor the Collamore Group could or would comment for the Board of Trustees, however, Ms. Wolfe did choose to comment. She stated, "I can't speak for the Board. One of the things very obvious is recognition for the need for a larger Board of Trustees in a Non-Profit Agency, more persons representative of the community. Also, I recommended the Board receive training. Persons who volunteer to be on a Board do not always know their responsibilities. They have to communicate effectively. Improved communications widen for greater representation."

Commissioner Thomas stated, "The employees hold no responsibility for some of the issues. There are management issues that need to be resolved. This Board is taking the recommended measures with the cooperation of the Board of Trustees. We are re-drafting the contract between the Board and the BSS to where it's a contract better suited and better served. The current contract is antiquated and needs revised. We hope to expand the Board to a more active board and with the advisory board, the public will be better served. There will be a better watchdog over expenditures of the taxpayers' money."

Ms. Shayna Smith passed on her opportunity to speak.

Ms. Amy Mehalyo stated, "I question the source of the Title III match. Have you identified the source of the Title III match? I was the nutrition co-coordinator for the AAA for twelve years. I also question the levy money, how is the levy language written, for in home services only?"

Commissioner Thomas read the current levy language, then stated, "per Ohio Revised Code, the language must be in certain form to be approved by the Secretary of State. Ms. Mehalyo questioned if this was also the wording of the original levy. Commissioner Thomas stated, "Yes. Many may know that on May 1, 2001, the Board of Belmont County Commissioners sued the Committee on Aging for the purpose of obtaining a court opinion as to how exactly the levy funds could be expended in reading the levy language." Commissioner Thomas read the declaratory judgment handed down by Judge Sargus.

Ms. Mehalyo asked, "Does BSS use a separate set of books for Jefferson County Meals?" Ms. Wolfe confirmed that they do. Ms. Mehalyo stated she could not see a valid financial reason for delivering meals to Jefferson County from Belmont County due to the number of miles to be traveled, and that it could not be cost effective. Commissioner Thomas stated her comments were duly noted. Mr. Jerry Collamore commented, "I don't think we can question management practices after the fact. Management contracts for services. Contracts are legal and profitable. Revenue is money that is brought in and in this example, I would say it is a wash. We would also recommend taking a look at that contract, to determine if those services can be provided in another way." To which, Ms. Mehalyo stated she could provide those meals tomorrow.

Commissioner Thomas read the question from Jane Friend, "Will the employees still have a job if the services are taken over by some other agency?" Commissioner Thomas stated, "This Board has no intention of breaking the contract with BSS. We are attempting to reword the contract, and revise the management. This Board realizes that the first and foremost issue before the Board is that the services continue to be provided to the seniors in the county. We will continue with a new contract. There will be no termination of the contract."

Commissioner Thomas recognized Mr. Frank Carrothers, Sr. who stated, "I have lived in Belmont County for fifty-five years. First, I feel it is important that the people of Belmont County know that the Collamore Group is a Columbus based lobby firm."

Mr. Collamore stated, "That is one part of our business. The other part is consulting."

Mr. Carrothers stated, "It is important we do have an advantage of being diversified enough in all aspects. According to the representatives, they want to create four more trustees. Creating more doesn't always make it better. If the Trustees were doing their job, we wouldn't be here tonight. I am against lifetime appointments to any Board. We demand BSS be accountable. I have read the reports from Snodgrass, Pappano and the Special Audit. I work in business in an accounting job. This is not personal."

It is procedures. It is not going to go away. Questions need to be answered. BSS has done a great job providing meals, but are they providing enough meals? We have to make sure the money we appropriate to you is spent properly. Changes have to be made. The more important thing to do other than this is that we move forward."

Mr. Collamore stated, " I do want to clarify, we have both a lobby concern and a consulting concern. Susan Wolfe does not lobby regularly. As a matter of fact, she does not lobby at all. She has a Masters degree in gerontology. There are a number of things that need clarified also in regards to BSS. The record keeping is done by hand. They need a computer system similar to UPS, that could track meals delivered. Let me also clarify there is a big difference in co-mingling of funds and leveraging of funds. You are right, the funds have to be accounted for. The agency needs a cost distribution system that tracks that, so you can see in reports where the money is spent - you are right, that is very important."

He continued, "The advisory committee has two main functions. The commissioners - it is impossible for the commissioners to be on top of everything at any moment. The changes will bring more of the community into the process. We have talked about an election of representatives from each senior center on that committee. These persons will be chosen at the local level. Accountability is important, and is being built into the contract. Accountability will be carried out by reports being made available to people all over the community. The complexity built into these programs over time by State and Federal government being involved made it hard for small groups of people to keep up on, especially if they do not have the training."

Commissioner Thomas recognized Mr. Charles Snyder of Colerain. Mr. Snyder commented he had been on the COA Advisory Board in the mid 80's into 1990 and the format at that time was to have two representatives from each Senior Center.

Commissioner Thomas stated, "Anyone interested in serving on the Board should contact the Commissioners office. Accountability and management are as important as services. There will be no more issues with accountability and management issues once they are dealt with. It doesn't mean everyone will agree. It means it will never happen again, the issues will be resolved to ensure the agency will be run effectively under Ohio Law."

Commissioner Thomas recognized Ms. Betty Jakubic. Ms. Jakubic stated, "We don't know much more than when we first read the report. There is to be a new director, how is that going? I think it has taken a long time to get to this." Commissioner Thomas stated, "This issue has been discussed at at least fifteen meetings. Sometimes twice a week until it was held - for the meeting this evening. We were waiting for the Collamore report. While time has been going by, no senior can say they have not received the services. Additionally, the Commissioners have also been to every senior center in the county that requested we visit. At this point, the senior centers, through the directors of the centers, have had their questions answered. There are no outstanding issues. The Board of Trustees are not present as this is not their meeting this evening. This is the Commissioners Meeting."

Commissioner Thomas recognized Mr. John Pollock. Mr. Pollock commented, "For three months, I have talked with the public. The public would like to see enhanced interaction with the Commissioners and the seniors. The public is particularly tired of the conflict and wants a resolution. We realize this is only one of a multitude of problems. They want to see the Commissioners on the job, not consultants from Collamore. We can't afford to call them that often. Conflict resolution is the key. Tonight is a move in the right direction. The public is tired of the bickering. We are afraid these levies won't be renewed. All we have to do is what's best for the people."

Commissioner Thomas stated, " I appreciate your comments and respectfully disagree that the Commissioners are not on the job. You have not followed us every step of the way. In regards to the senior centers and there being minimal or no action by the Board, we have made ourselves available on a regular basis. We are available seven days a week. This is a part-time job under Ohio law, but we all work full time at it."

Commissioner Thomas recognized Mr. Bruce Smith, who declined comment.

Commissioner Thomas recognized Ms. Phyllis Harding. Ms. Harding stated, "I think the seniors are not being served enough. Do you realize how much more they can be served if there wasn't commingling of funds? Do you think because Mr. Laxton has resigned this is going to go away? It is not."

Commissioner Thomas stated, "I am sure no Commissioner has said any comment about Mr. Laxton resigning. Mr. Laxton resigned for health reasons."

Ms. Harding stated, "You're saying the issue isn't Mr. Laxton. We are saying it is. The service the seniors aren't getting because of how he ran his private business. We want answers and we are not getting answers-on co-mingling of funds, on the Mediterranean Building."

Commissioner Thomas stated, "The Collamore Group did a report on a very small portion of the issues. The physical facility issue, the Mediterranean Building, is another day, another time. I would be more than happy to take any resident and show you what is being done in the current facility. There is a definite need for better physical facilities. Nobody calls us, we can't answer your questions when you don't pose it to us. The physical facilities are an issue. They will be addressed in a separate meeting. We do have options. We could build a new structure, renovate the one we now own, or purchase another building."

Mr. Collamore addressed the question of facilities. "The issue of facilities. What we looked at was the condition and size of the current facility. It is totally inadequate. We have to look at the options. The Commissioners are painfully aware of them. They certainly can not continue to provide services to seniors from that facility. Co-mingling is using funds and then don't account for them. Funds used for these projects have been accounted for. The State Audit report was fairly mild, there were a few actions for recovery. Long term, you need answers to that type of problem. You need to look into an electronic system. Have people been ineligibly served? I'd bet they have. This system can't be perfect. Look at the audit. Look at the management recommendations. There were no substantial findings. There were no criminal wrong doings. Those issues are all being addressed by having a Board of Trustees that has the tools. There seems to be a perception that things are not being looked at. The Board is working through the structure and structure will prevent some of the things you are concerned about and document some of the things you are concerned about. This agency has grown over a period of years, with one director. Things change, all kinds of factors here that have created a lack of full accountability that needs to be done on a daily basis."

Ms. Wolfe commented, "It is very important to note that when we came in, we made one promise, we won't solve your problem. We give you a set of tools to help you work through this problem and all the others that come up. Belmont County community is doing an excellent job."

Commissioner Olexo stated, "Mr. Laxton is gone. Obviously, if we thought it solved all the problems, we would not be here tonight. Regarding funds - they weren't commingled (Commissioner reads from the State Audit report page 71, regarding intermingling grant funds ...)

Commissioner Thomas stated, "Intermingling versus commingling. It is very important to note the difference. Commingling is a word which has been misused. In its definition under law, if there was, there would have been a recommendation made under law and brought forth to the Prosecutor for criminal prosecution."

Commissioner Thomas recognized Ms. Delores Cost. Ms. Cost stated, "Mark's comment that seniors are receiving services they should get is not true. We have documented proof in our agency that patients did not get services. We took this, not to the Commissioners but to BSS and received a myriad of responses, such as there was not enough staff. It is documented for Medi-Care. We found the report from the Collamore Group very contradictory. How the levy funds are currently being utilized. The general focus has been to build on the strengths, that was stated as the purpose. Then it says, the limitation of scope on page two, paragraph two stated it was not an investigation but that the county would be better served by a Board of Trustees. How can you recommend and interfere with a private business? Also, Title III meals are a bid project. When the contract is broken will it be given to the new low bidder? When BSS is underbid, they will need a match to supplement the low funds for Title III. Will we need a kitchen to serve meals if they lose the contract? Again, you are subsidizing a private business. When you start getting into someone's private business- what if there is a collapse of the agency? We should be doing at least ten times more care for our seniors. If there is not staff available, bid out to someone who does have the staff. We have not received one straight answer. Commissioners, your job is to give answers or represent us.

Mr. Collamore stated, "The report we put out was clearly marked preliminary report. There are several phases to this project, there were so many questions being asked. The issues raised here are issues that can be addressed with an advisory group. If you over invest in one agency, it could be a problem. There are a number of things that need to be looked at in that regard. We did not go into tremendous detail. We were not looking at every single piece of information. We did an overall view. Some figures are purely examples of a service or expenditure, to look at how much percent was coming from one source or another. This is one small example, this was not an audit. I don't disagree, this is a start, not an in-depth report of every management decision -decisions that were made in a vacuum. The contract not having been updated for ten years now. Also, in regards to things you talked about in context with Mr.

Laxton and his leaving, there were concerns about decisions being made without enough public input. This is not about Mr. Laxton, but - not allowing a private-not for profit agency to make decisions for the county. If these recommendations are put into place, the decisions should be made by members of the community and the Commissioners.

Commissioner Olexo stated, "Delores is correct, all these are bidding programs. From the Area Agency on Aging the contracts are awarded based upon points given to the agency, not just the lowest bid. It is done on a scoring program. There is a local cash match required of 15%. So in essence, when you are dealing with private non-private - you have an opportunity to bring in millions in federal and state dollars. BSS brought in over 2.7 million dollars in fiscal year 2001. The actual levy expenditures were under one million. What you have here is contracts and subsidies that provide services to seniors here in the county above and beyond what other agencies in the county could do. In nonprofit agencies, money cannot be spent and must go back in for more services to seniors. BSS has money only for services to seniors in our county. The Passport Program in Jefferson County generated about \$30,000.00 a year- money that goes back into BSS, as money that can only be spent on services to the seniors."

Commissioner Thomas recognized Ms. Sheila Smith. Ms. Smith stated, "I have a comment to Jerry Collamore, you said this was a preliminary report, but nothing on it states it is a preliminary report. Page three of the state audit states commingling, I think the MBA and CPA's can define commingling. Page twenty-five states we need to focus on getting more help to more seniors. The Collamore Group report states - resources need to be invested in new computers. I have copies of invoices that show seven new computers were purchased. I contacted a person in North Carolina who told me this would be more than adequate to serve the largest agency in the country. We must focus on getting more help to more seniors. \$117,708 is what we are getting at the present moment. Page ten, paragraph one states, money generated for the county does not go to the county. The cost per meal, you quote two different figures. \$5.21 and \$5.61. BSS has a profit of at least \$30,000 in Passport. Fifty to one hundred thousand revenue generated more than the required 15% cash match. All that was needed was thirty-eight thousand for local match. Title III clients don't have to be home bound, in reality, levy monies should cover them. All contracts are payment in full. The only one that is not is Title III."

Ms. Smith continued, "BSS contract offers no Homemaker or PCA. Senior Services invoices are fifty to one hundred thousand a month. Page ten states the number of people served which is documented on AAA forms. They do not document Homemaker and PCA. It is not logged on this form. Why are nurses wages charged wholly to levy funds? BSS did not follow levy contract, the state audit report states numerous breeches of contract."

Mr. Collamore stated, "What we were referencing is not new computers, but investing in new software to program into the existing system and provide training for that system. Again, issues that need worked out. What they have now is inadequate. How this comes about is with the input of the community. A number of things need to be looked into. We can't argue figures. I would love to see the comments you have made in writing."

Commissioner Thomas stated that ended the written comment and question list. He stated, "We are at two hours. I want to stress if you keep comments and questions at five minutes, we will stay."

Mr. Robert Munjas stated, "No one has anything to say about senior meals. How many meals per day are congregate meals?"

Commissioner Thomas stated, "By month, congregate meals 1,952 and homebound meals, 6,379 for the month of December 2001."

Mr. Munjas then asked what fund was used to buy vans that go to Jefferson County. Commissioner Thomas answered this was documented as Passport.

Mr. Michael Bianconi stated, "This report is common sense. (Mr. Bianconi referred to an analogy he previously used in comparing this agency to a bid-paving contract.) It should just be bid out. Fast as you can get people to help you figure this out. (Mr. Bianconi continued by stating a time line for which he has attended Commissioners meetings in the past year.)

Ms. Betty Smith stated, " I question the people on the Board. Doc Householder, although I do not know him, I am sure is a very intelligent man. When asked a question previously his response was "I don't bother myself with that."

Commissioner Thomas had to quiet those in attendance at this point and ask for respect be given to the speaker.

Ms. Smith continued that she hoped a rent sufficient to the size of the electric bill would be imposed on the Mediterranean Building if it was indeed utilized. She also asked if a Home Health Special attorney was asked to comment on the revisions to the contract. Commissioner Thomas thanked her for her comments.

Mr. John Earls commented, "Why is the county furnishing equipment to a contractor? If revising the contract, why not go ahead and bid out the services?"

Ms. Wolfe stated, "Our agency, with the Commissioners, was to provide input to the Prosecutor who is working on the contract. We did not have any particular responsibility to re-write the contract"

Commissioner Thomas recognized Mr. Bruce Smith who declined comment.

Commissioner Thomas stated, "This does not conclude the questions comments or answers, this just provided an open forum. The Commissioners are available daily, publicly or privately. The issues will be resolved. We want to make a better place to live work and play. We want to accentuate the positive and deal with the negative turning it into positive. We greatly appreciate your comments."

Commissioner Probst stated, "Overall, you are here because you care. Please understand one thing - the seniors will be taken care of. I was told there was a waiting list for meals, I didn't understand. The previous board rectified that, now there is a waiting list in home care. This is a concern that we are looking into. Almost two and a half years ago when I first looked into this. Mostly what I have seen is a lack of communication. We are in this for the same reasons, to protect the taxpayers' money, so we can ensure the future of levy monies. Yes, there are things that need done- we are moving forward. I will continue to scrutinize all expenditures that come through our office daily. Have faith in your board."

Commissioner Olexo stated, "Mr. Earl asked the question - why does the county furnish equipment for a private business? Because of the contract with BSS. Also, it was not bid out - we have reviewed this before and are reviewing it at this time. Mr. Bianconi asked a question about why there were no time restrictions on solving problems. Mike, you were there for eight years privy to this information- these same problems, during your tenure on the Board. We have been here for sixteen months and have taken major strides. When you talk about time restraints - do so with respect. You ask, "How can we appoint four people on a private Board? The answer, because of the contract. How we provide information to you and how we receive information is through continued cooperation."

Commissioner Olexo explained that the cost of the meals average \$5.00 per meal- which amounted to \$811,865,40, almost a million dollars just for meals delivered to home bound or senior centers with levy dollars. He stated, "That is the kind of power you get - the power to pool and leverage those monies into the county to provide services to our seniors."

**IN THE MATTER OF ADJOURNING**  
**MEETING AT 8:20 P.M.**

Motion made by Mr. Olexo, seconded by Mr. Thomas to adjourn the meeting at 8:20 P.M.

Read, approved and signed this 1st day of May A.D., 2002.

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COUNTY COMMISSIONERS

We, Mark A. Thomas and Darlene Pempek, President and Clerk respectively of the Board of Commissioners of Belmont County, Ohio, do hereby certify the foregoing minutes of the proceedings of said Board have been read, approved and signed as provided for by Sec. 305.11 of the Revised Code of Ohio.

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PRESIDENT

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CLERK