

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

June 2, 2010

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, June 2, 2010, 7:00 p.m. at the Campbell County Courthouse located at 8352 East Main Street, Alexandria, Kentucky.

In attendance at the meeting were:

**COUNTY JUDGE/EXECUTIVE:
STEVE PENDERY**

**COUNTY COMMISSIONERS:
DAVID OTTO
KENNETH RECHTIN
MARK HAYDEN**

Robert Horine	County Administrator
Melissa Williams	Director of Administration
Jim Daley	County Attorney
Jim Seibert	Fiscal Director
Paula Spicer	Fiscal Court Clerk
Keith Hill	Police Chief
Naguanda Deaton	Director of Human Resources
Sarah Collins	Director of Housing
Mike Braun	Maintenance Supervisor

The meeting was called to order at 7:00 p.m. by Judge Pendery. Cable Access was present to film the meeting.

Judge Pendery asked for a moment of silence followed by the Pledge of Allegiance. Following roll call, a quorum was declared present.

Minutes from the Fiscal Court meeting of May 19, 2010 were presented. Motion was made by Commissioner Otto, seconded by Commissioner Rechtin, to approve the minutes. All voted "AYE" and the motion passed unanimously.

Judge Pendery invited comments from the audience.

JR Roth, resident of Winters Lane, stated that he was disappointed in the election process during the recent primary. He stated that some of the tally sheets were not signed and that 11 votes did not get counted until two days after the election. This is unacceptable. Since the elections are funded by the Fiscal Court, they should be responsible for it, and make sure that the election is done right in November.

Jim Pfister, resident, stated that he had several questions, but will wait to ask them as they come up on the agenda.

Erik Hermes, Campbell County resident, stated that he has a couple of issues with the Ameresco contract. First, it was advertised as a multi-trade contract with a very large scope of work estimated at \$1.6 million, which was later downgraded to an electrical-only contract for \$275,000. The project was not readvertised when the scope of work was reduced; Ameresco was the only company considered. Second, he read a list of names of individuals from the Democratic Congressional Campaign Committee and Democratic Senatorial Campaign Committee who have received political donations from Ameresco or one of its principals; Ameresco is known for making political donations to further its agenda or for profits. Mr. Hermes asked if the County approves the Ameresco contract, will all of the members of the Fiscal Court who have received donations from Ameresco return the donation, and refuse offers of donations from Ameresco or its principals in the future. Commissioner Otto stated that he has not accepted money from Ameresco or any of its principals, or any contractor who has done business with Campbell County, nor does he intend to accept any money from Ameresco in the future. David Shank identified himself as one of the local contractors present who did not get an opportunity to bid on the project. Judge Pendery stated that this process has been going on since last year and some of the people present have sat through explanations since that time. The subject contract is not really a trade contract. There was to be an energy audit done by a qualified company; the process is set out in State law. The companies bidding must be qualified by the State and must have the financial backing to guarantee that the work specified will save enough money in energy costs to pay for the work. Judge Pendery stated that he doesn't believe that any of the local contractors would have qualified to submit a bid. He stated that the County has used local contractors through the normal bid process on various projects. This particular project is very specialized and the entire process is laid out in State law. Commissioner Hayden stated that he has received several emails that the project was never bid, but it was, and the County received one response from one qualified bidder. The State law clearly sets out the qualifications for providers. Robert Horine confirmed this by explaining the process required by State law. He showed a copy of Ameresco's proposal as an example of the required submission in order to qualify for the project. Mr. Shank questioned the advertising process. Mr. Horine explained that at the time when the County advertised for proposals, they were aware of three companies in the State of Kentucky that were performing this type of work. These three companies were contacted and informed that the County was advertising for proposals; only one company submitted a proposal. He further explained that the County was advised that it would receive about \$350,000 in Federal Energy Efficiency and Conservation Block Grant Funds which prompted this process. Judge Pendery stated that this type of project is being done in other parts of Kentucky. Erik Hermes stated that his point is that what was advertised and what is being awarded are two substantially different things. He believes that if the advertisement reflected what is now going to be done, the County may have received more bids. Judge Pendery stated that this is not simply an electrical contract. Ameresco provided what the bid called for, and the County has picked certain items that it believes will provide the biggest savings. Mr. Hermes stated that the Fiscal Court is undercutting the taxpayers of Campbell County by the way that the project was advertised and then reduced in scope. Commissioner Hayden pointed out that the County included a provision in the proposed agreement with Ameresco that "Ameresco agrees to make best efforts to use contractors and suppliers based in

Campbell County, Kentucky if they are qualified and competitive relative to costs”. JR Roth stated that he talked to the other contractor who was performing another similar contract in Kentucky and was unable to bid on Campbell County’s project. This contractor would like to submit a bid, so why doesn’t the County rebid the project. Judge Penderly stated that there is no need to rebid; they followed the required process and one bid was received.

Tim Nolan, California, Kentucky, stated that he reviewed the proposed budget online, and he realizes that the Fiscal Court had a first reading of the budget at its last meeting in Newport. He asked if the meeting in Newport was advertised in compliance with KRS 67.03. Jim Daley stated that Mr. Nolan may note that there will be another reading of the budget at this meeting.

Tim Nolan stated that he did not see any allocation in the budget for defense of lawsuits. He asked if the County has made any effort to get KACo to pay for the County’s defense in the pending lawsuit Nolan v. Campbell County Fiscal Court. Jim Daley explained that KACo has now taken over defense in that case, so the \$60,000+ that has been spent by the County previously in its defense should be the limit of the County’s expense. Mr. Nolan stated that he is criticizing the County for not getting compensated by KACo who should have defended the County from the beginning of the lawsuit instead of the County spending taxpayer dollars for its defense. Tim Nolan wondered if it would be prudent for the Fiscal Court to get an opinion from the County Attorney as to whether they should start advertising any meetings held outside of Alexandria so that the County doesn’t incur future lawsuits.

Tim Nolan stated that he was told that the new County Courthouse was costing \$475,000, but the budget says \$875,000 a year. Judge Penderly stated that perhaps Mr. Nolan was not subtracting the money that it gets from other tenants in the building. He suggested that Mr. Nolan put his question in writing.

Judge Penderly recognized Mr. James “Buck” Gutapfel who recently retired as the Maintenance Technician at Lakeside Terrace Senior Apartments. Judge Penderly cited some examples of Buck’s dedication to his job. Sarah Collins stated that Buck was very helpful to her when she first started as Housing Director. He has always been dependable and loyal, and she appreciates him very much.

Michelle Snodgrass, Commonwealth’s Attorney, reported to the Fiscal Court on the success of the FAST (Felony Accelerated Sentencing Track). Ms. Snodgrass had come to the Fiscal Court’s meeting about nine months ago requesting assistance from the Fiscal Court in an effort to initiate money-saving procedures. She introduced Wil Schroeder one of her assistants, who has spearheaded the FAST program. This program is used to resolve certain types of cases in a short period of time to save on the cost of housing inmates at the jail. Ms. Snodgrass gave scenarios of how long it may take to resolve cases from District Court arraignment through sentencing. Originally Ms. Snodgrass thought that if they used the FAST method on two cases a month, they could save \$2,000 per case, however during the first 7 ½ months they have exceeded their goal. She stated that she did not want to put saving money ahead of justice. Some of the cases that are ripe for the FAST method are cases that do not have a victim, cases where the defendant can be referred to alternative sentencing for drug treatment or to the mental health court, first-time offenders and cases where the defendant has been extradited from another state.

She explained that program is used for pretrial felony cases. Judge Penderly stated that the results are very encouraging and they are pleased that Ms. Snodgrass has pioneered this program. The quicker a defendant is sentenced the less expense the County has in housing them in the jail.

Melissa Williams presented new business beginning with Resolution R-71-10 which was read by title and summary given. R-71-10 adopts Chapters 5O, 5P, 5Q, 5R, 5S and 13O to the Campbell County Police Policy and Procedure Manual. These policies are being adopted to comply with KACP Standards of Accreditation. Ms. Williams listed the titles of the new policies which have been reviewed by the County Attorney. Commissioner Otto made a motion to adopt R-71-10, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Resolution R-72-10 was read by title and summary given. R-72-10 authorizes the County Judge/Executive to execute a grant of easement with Northern Kentucky University Foundation, Inc. for Lakeside Terrace Apartments, Highland Heights, Kentucky, for a sewer line. Ms. Williams explained that in 2007 there was a sewer line break requiring installation of a new sewer line located on the site where Callahan Hall is today. At the time the property was under different ownership. Northern Kentucky University Foundation, Inc. has agreed to the easement being prepared by the County Attorney. Commissioner Rehtin made a motion to adopt R-72-10, seconded by Commissioner Hayden. In response to Commissioner Otto's question, Ms. Williams stated that the new sewer was installed by Jolly Plumbing. All voted "AYE" and the motion passed.

Resolution R-70-10 was read by title and summary given. R-70-10 authorizes the Judge/Executive to make application for funds to replace outdoor emergency alert devices and provide narrowbanding of fire, police, and emergency service radios and radio infrastructure and, upon approval, to enter into an agreement with the Kentucky Office of Homeland Security (KOHS), to execute any documents which are deemed necessary by KOHS to facilitate and administer the project(s) and to act as the authorized correspondent for the project(s). Ms. Williams stated that Campbell County has been requested to serve as the grant applicant with KOHS for the replacement of outdoor emergency alert devices in conjunction with the Cities of Wilder and Ft. Thomas who are providing the required matching funds. The application also requests \$134,278 to provide narrowbanding of fire and emergency service radios to meet FCC requirements which will be matched by the local fire departments. The request to replace police emergency service radios will be matched by local police departments. Commissioner Hayden made a motion to adopt R-70-10, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Resolution R-69-10 was read by title and summary given. R-69-10 amends the Campbell County Administrative Code to reflect changes in the job description of the Lakeside Terrace Manager to more accurately define the duties and responsibilities of said position. Judge Penderly made a motion to adopt R-69-10, seconded by Commissioner Rehtin. Commissioner Hayden asked for an explanation of how the two jobs will be combined. Robert Horine explained that Mr. Gutapfel's retirement prompted them to look at staffing arrangements at Lakeside Terrace Apartments. The manager position has been filled by somebody from a temporary agency for the last couple of years. With the new County Maintenance Supervisor,

Mike Braun, staff felt that the manager and maintenance positions at Lakeside could be combined so that the manager would handle some day to day maintenance issues. The combination of the two positions could reduce personnel costs at Lakeside by about \$20,000 annually. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to advertise, interview and hire for the position of Lakeside Terrace Manager. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to reclassify Mike Short from Road Maintenance Specialist II to Road Maintenance Specialist III pursuant to the Working Agreement with Local #286 with compensation set at \$23.8357 per hour, effective May 23, 2010. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Resolution R-67-10 was read by title and summary given. R-67-10 authorizes a contract with Dental Care Plus to offer dental insurance through payroll deduction to all eligible employees of the Campbell County Fiscal Court and Detention Center. This contract would be effective July 1, 2010 through June 30, 2011. The premiums are paid by employees choosing to participate in the dental insurance program. Judge Pendery made a motion to adopt R-67-10, seconded by Commissioner Rehtin.

Resolution R-68-10 was read by title and summary given. R-68-10 authorizes a contract with Anthem Blue Cross and Blue Shield to provide medical and life insurance plans to eligible employees of the Campbell County Fiscal Court and Campbell County Detention Center effective July 1, 2010 through June 30, 2011. Judge Pendery made a motion to adopt R-68-10, seconded by Commissioner Rehtin. Jim Pfister, citizen, asked what the cost is to the County for medical insurance for employees. Robert Horine explained that there are two plans available to County employees: on one plan the County contributes 77% and the employee 23%, and the other the County contributes 86% and the employee 14%. All voted "AYE" and the motion passed.

A motion was requested to reappoint Marsha Dufeck to the Northern Kentucky Area Development District Council on Aging for a two year term effective July 1, 2010 through June 30, 2012. Motion was made by Judge Pendery, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

A motion was requested to appoint Chief Keith Hill and Peter Klear, Planning and Zoning Director, as "viewers" pursuant to KRS 178.070 to view Bob Huber Drive, County Road #1246, and right-of-ways on property owned by the Campbell County Economic Progress Authority and located at the Campbell County Industrial Park with Ken Schultz, Road Supervisor, in connection with discontinuance of this road. The group shall report their findings in writing to the Campbell County Fiscal Court prior to the public hearing to be held at the next Fiscal Court meeting. The public hearing has been advertised pursuant to law. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to reappoint Brian Ellerman to the Transit Authority of Northern Kentucky (TANK) Board of Directors for a four year term effective July 1, 2010 through June 30, 2014. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Robert Horine presented Resolution R-73-10 which was read by title and summary given. R-73-10 authorizes the Judge/Executive to execute an Energy Services Agreement with Ameresco, Inc. to perform energy conservation services in 13 County facilities in the amount of \$275,520 payable from Federal Energy Efficiency Conservation Block Grant Funds. Mr. Horine explained that the proposal and scope of work for this project were very specific. He listed the number and kinds of upgrades that are included in the project. The County will receive rebates in excess of \$10,000 from Duke Energy and realize an immediate savings in its utility costs as a result of this project. He advised that Mike Braun, Maintenance Supervisor, has reviewed the program in detail and looks forward to working with Ameresco. Commissioner Rehtin made a motion to adopt R-73-10, seconded by Commissioner Otto. Commissioner Otto stated that if the County sees an immediate monthly savings, it will mean a savings to the taxpayers as well. A member of the audience asked if Ameresco gave the County a specific figure on how much money it will save. Mr. Horine stated that there was no figure given, however the County is satisfied that the improvements will result in immediate savings. He explained that when the County scaled back the project and it was not required to borrow money for the project, there was no need to include the guarantee in the contract. The guarantee is important when money is borrowed and the savings is used to repay that money. The County now is simply using the federal funds apportioned to it. He stated that the inventory of the 13 County facilities is extremely detailed and includes recommendations on improvements beyond electrical work. Judge Pendery stated that the County decided to select those items that would give the best and quickest savings when they decided to reduce the project. Mr. Horine stated that if the County would chose not to use Ameresco, they would not be able to use Ameresco's inventory. The County would have to hire an engineer to conduct a new inventory of all County facilities and prepare a bid package for the work. Several members of the audience made suggestions: that the County buy the inventory from Ameresco and use it to rebid the project, and that the County contact a lighting supply company who has people that will perform free energy audits if you use their products. Jim Daley stated that in order to participate in the federal program, the County is required to use a company like Ameresco to perform the energy audit and oversee the project to ensure that federal and statutory requirements are met. He advised that the Fiscal Court specifically instructed him to include the language that Ameresco would use its best efforts to use local contractors. A member of the audience asked what the dollar amount or percentage of savings to be realized from the retrofit. Mr. Horine stated that he did not have that information; however, the County was advised that the lighting retrofit would result in the greatest return in the investment which is why the County chose to do only the lighting retrofit using only federal money. Commissioner Rehtin asked Mike Braun, Maintenance Supervisor, if he is comfortable with the value the County is receiving for the money it is paying; Mr. Braun responded that he is. All voted "AYE" and the motion passed.

Judge Pendery announced that a special meeting of the Fiscal Court will be held on June 30, 2010 at the Alexandria Courthouse, 8352 East Main Street, Alexandria, Kentucky at 5:30 p.m. for a second reading of the budget ordinance.

Jim Seibert requested a motion to award bids for road materials as recommended by Ken Schultz, Road Supervisor. Motion was made by Commissioner Rehtin, seconded by Judge Pendery. All voted "AYE" and the motion passed.

Ordinance O-05-10 was read by title and summary given. O-05-10 relates to the annual budget and appropriations of Campbell County, Kentucky for the Fiscal Year 2010-2011 (FY11). This Ordinance is presented for a first reading, and no action is required.

A motion was requested to authorize the purchase of a Toro Fairway mower for use at the A J Jolly Golf Course using the State contract price of \$47,282.60. Commissioner Hayden stated that this item was just submitted by Steve Myers on May 25 and he has not had time to call Mr. Myers with his questions; he requested that this be tabled to the next meeting. Judge Pendery asked if this purchase is time-sensitive; he acknowledged that the equipment has been repaired numerous times and is leaking hydraulic fluid. Jim Seibert advised that he received correspondence from Mr. Myers that morning stating that they had to tow the mower from the golf course again, and he is unsure of the cost of repairs or the down time for the equipment. Commissioner Otto made a motion to table, seconded by Commissioner Hayden. All voted "AYE" and the motion passed. Jim Pfister, citizen, asked how the Fiscal Court knows that the State contract price is the best price. In his experience, the government gets inflated prices in most cases. Commissioner Rehtin stated that in theory it is volume-based, and in the instance of police cruisers, the State contract seems to drive the price down. Mr. Seibert stated that when the County needed to purchase vehicles he attempted to get bids from local dealers and they won't participate. A member of the audience stated that there probably won't be 10 fairway mowers purchased across the State this year, and he believes that the County could get a competitive bid from other dealers. Mr. Seibert stated that Mr. Myers has looked for a used mower to save money, but the ones that he found were as old or older than what the County currently has.

Tim Nolan asked if O-05-10 had a first reading at the last meeting in Newport, and now had another first reading. Judge Pendery stated that it did. Mr. Nolan confirmed that the public hearing and second reading of the budget would be at a meeting held in Alexandria.

A motion was requested to approve the budget transfers as presented for June 2, 2010. Motion was made by Commissioner Rehtin, seconded by Judge Pendery. All voted "AYE" and the motion passed.

Mr. Seibert then requested a motion to approve the claims, supplemental claims and election claims as presented for June 2, 2010. County Attorney James Daley stated that he has reviewed the claims and all appear appropriate. Motion was made by Commissioner Otto, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

There being no further business to come before the Fiscal Court, Commissioner Rehtin made a motion to adjourn, seconded by Judge Pendery. All voted "AYE" and the meeting adjourned at 8:23 p.m.

Attachments:

Resolution R-71-10 Amend Police Policy and Procedure Manual
Resolution R-72-10 Easement with Northern Kentucky University Foundation
Resolution R-70-10 Application to Kentucky Office of Homeland Security for Grant Funds
Resolution R-69-10 Amend Job Description for Lakeside Terrace Manager
Resolution R-67-10 Contract for Dental Insurance
Resolution R-68-10 Contract for Medical and Life Insurance
Resolution R-73-10 Energy Savings Agreement with Ameresco
Ordinance O-05-10 FY 2011 General Fund Budget
Transfers for June 2, 2010
Claims, Supplemental Claims and Election Claims of June 2, 2010

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer
Fiscal Court Clerk