

WEDNESDAY, MAY 24, 2017:

The Adams County Board of Commissioners met this date in regularly scheduled session at 9:00 a.m. in the Ceremonial Courtroom with Chairman Randy Phiel presiding. Others in attendance: Commissioners James E. Martin and Marty Karsteter Qually; Albert Penksa, County Manager; John Hartzell, Solicitor; Steve Renner, Controller; Don Fennimore, Court Administrator; Danette Laughman, Human Resources Deputy Director; Melissa Devlin, Finance Director; Phil Swope, Staff Accountant; Sara Brensinger, Purchasing Coordinator; Daryl Crum, Tax Services Director; Sarah Finkey, Children & Youth Administrator; Sherri Clayton-Williams, Planning & Development Director; Anne Thomas, Grants Program Coordinator; Harlan Lawson, Economic Development Specialist; News Reporters Vanessa Pellechio, *Gettysburg Times* and Dustin Levy, *Evening Sun* and Chief Clerk Paula V. Neiman.

Pledge of Allegiance

Minutes:

Mr. Martin moved, seconded by Mr. Qually, to approve the Minutes of the May 10, 2017 Commissioners' Meeting as presented.

Motion carried.

Proclamations:

Mr. Qually moved, seconded by Mr. Martin, to adopt and proclaim June 2, 2017 as "**GUN VIOLENCE AWARENESS DAY**" in Adams County. The proclamation was presented to Judy Young and several members of Gettysburg for Gun Sense.

Motion carried.

Public Comment:

No public comments/questions were addressed to the Board at this time.

Commissioners:

Mr. Martin moved, seconded by Mr. Qually, to approve Resolution #3 of 2017 expressing the intent of the County to issue debt in accordance with The Local Government Unit Debt Act; declaring the official intent of the County to reimburse the County for expenditures made for such capital projects prior to and after the date of adoption of this Resolution as follows:

**COUNTY OF ADAMS
Commonwealth of Pennsylvania**

**RESOLUTION
No. 3 of 2017**

A RESOLUTION
OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF ADAMS,
COMMONWEALTH OF PENNSYLVANIA (THE "COUNTY"),
EXPRESSING THE INTENTION OF THE COUNTY TO ISSUE DEBT IN
ACCORDANCE WITH THE LOCAL GOVERNMENT UNIT DEBT ACT;
IDENTIFYING CERTAIN CAPITAL PROJECTS TO BE FINANCED
THEREBY; DECLARING THE OFFICIAL INTENT OF THE COUNTY TO
REIMBURSE THE COUNTY FOR EXPENDITURES MADE FOR SUCH
CAPITAL PROJECTS PRIOR TO AND AFTER THE DATE OF ADOPTION
OF THIS RESOLUTION; REPRESENTING THAT REIMBURSEMENTS
SHALL BE MADE FROM PROCEEDS OF A CERTAIN TAX-EXEMPT
OBLIGATION TO BE ISSUED TO FINANCE THE COSTS OF SUCH

CAPITAL PROJECTS; DECLARING THE INTENT OF THE COUNTY THAT THIS RESOLUTION COMPLY WITH THE PROVISIONS OF UNITED STATES TREASURY REGULATION SECTION 1.150-2; AUTHORIZING AND DIRECTING OFFICIALS OF THE COUNTY TOGETHER WITH THE COUNTY SOLICITOR, FINANCIAL ADVISOR, AND BOND COUNSEL HEREBY APPOINTED BY THE COUNTY TO DO AND UNDERTAKE CERTAIN ACTION PREPARATORY TO AND IN FURTHERANCE OF THE ISSUANCE OF SUCH DEBT; AND RESCINDING PRIOR INCONSISTENT RESOLUTIONS.

WHEREAS, The County of Adams, Commonwealth of Pennsylvania, (the "County") is a county of the fifth class and a political subdivision organized and existing under the laws of the Commonwealth of Pennsylvania (the "Commonwealth"); and

WHEREAS, The County is a local government unit as defined in the Local Government Unit Debt Act [53 Pa. C. S. §8001 *et seq.*] (the "Debt Act"), which Debt Act defines the classes of "projects" that may be financed by the County and sets forth the procedures for issuing debt to finance capital projects; and

WHEREAS, The Board of Commissioners of the County, in consultation with its administration and independent consultants, has determined that it is necessary and appropriate for the proper management and administration of County government to undertake certain capital projects, each constituting a "project" as such term is defined in the Debt Act, consisting of, but not limited to, and summarized as, first, the completion of that certain project authorized in Ordinance No. 2 of 2016, enacted August 10, 2016 and defined as the Building Project, and second, the planning, design, purchase, acquisition, construction and installation of repairs, replacements, renovations, reconfigurations and improvements to certain County buildings and facilities for governmental use, and related appurtenances, and suitable fixtures, furnishings and equipment therefor, as necessary, to the extent of available funds (collectively, the "Capital Project"); and

WHEREAS, The County has determined that it is necessary and appropriate for the proper management and administration of County government to hereafter issue debt to fund, *inter alia*, (i) the costs and expenses of the Capital Project, and (ii) the payment of the costs of issuance of the County's debt obligations incurred to fund the Capital Project (collectively, the "Project"); and

WHEREAS, The County has determined to finance, *inter alia*, the Project in an approximate amount anticipated not to exceed \$5,000,000 to be derived from the proceeds of general obligation, nonelectoral debt to be issued for such purpose, the interest on which such debt is intended to be excluded from gross income for federal income tax purposes, pursuant to the Internal Revenue Code of 1986, as amended and supplemented (the "Code"), which financing herein is referred to as the "Tax-Exempt Financing"; and

WHEREAS, The County heretofore appointed Susquehanna Group Advisors, Inc., Harrisburg, Pennsylvania, to serve, *inter alia*, as financial advisor with respect to one or more prior debt issuances, and by this resolution, desires to appoint Susquehanna Group Advisors, Inc., as financial advisor with respect to the financing plan for the Project and the issuance of the Tax-Exempt Financing by the County; and

WHEREAS, The County heretofore appointed Eckert Seamans Cherin & Mellott, LLC, Harrisburg, Pennsylvania, to serve as bond counsel with respect to one or more prior debt issuances, and by this resolution desires to appoint Eckert Seamans Cherin & Mellott, LLC, as bond counsel with respect to legal matters relating to the Project and the issuance of the Tax-Exempt Financing by the County; and

WHEREAS, The County desires County officials, the County solicitor, financial advisor, and bond counsel to prepare certain documents required by law or by custom, and as are otherwise deemed necessary and proper, for the County to undertake the issuance of the Tax-Exempt Financing for the purpose of undertaking the Project; and

WHEREAS, The County may have made, prior to the date of adoption of this Resolution, and reasonably anticipates hereafter making, expenditures for the Project from County funds which it would otherwise pay from proceeds of the Tax-Exempt Financing if such funds were available at the time of such expenditures; and

WHEREAS, To the extent the Tax-Exempt Financing is hereafter issued to finance, in whole or in part, the Project, the County desires to reimburse itself for expenditures paid from County funds on behalf of the Project not more than sixty (60) days prior to the date of the adoption of this Resolution and thereafter, or as otherwise authorized, from proceeds of the Tax-Exempt Financing and to do so in accordance with regulations promulgated by the United States Treasury as 26 C.F.R. § 1.150-2 (the "Reimbursement Regulations"), proposed under authority of the Code; and

WHEREAS, The County desires to express its intent to issue debt of the County evidenced by the Tax-Exempt Financing and to hereby authorize and direct County officials, County solicitor, financial advisor, and bond counsel to take all preparatory action, and otherwise hereby ratifies and confirms such prior action taken, required or deemed necessary and proper in order for the County to undertake the Project and the financing thereof; and

WHEREAS, This Resolution is being presented to the Board of Commissioners of the County (the "Board") for its consideration and approval at a regularly scheduled public meeting, duly advertised and notice given in accordance with applicable law; and

WHEREAS, This Resolution, while expressing the County's determination to undertake the Project and the issuance of the Tax-Exempt Financing, the provisions hereof do not, and shall not be construed to, constitute the approval, or the actual issuance, of any debt, including the Tax-Exempt Financing.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Adams, as follows:

1. The foregoing Recitals to this Resolution, including the general, functional description of the Project, are incorporated herein and made a part hereof. It is the intent of the County to undertake the Project and the financing of all or a portion thereof by the issuance of the Tax-Exempt Financing in accordance with the provisions of the Debt Act. The Project constitutes capital expenditures under the Debt Act, applicable accounting practices and the Code. The County funds to be used for Project expenditures are reasonably expected to be made from the County's general fund, or from any capital reserve.

2. The County hereby appoints Susquehanna Group Advisors, Inc., Harrisburg, Pennsylvania, and such preparatory action undertaken thereby, as financial advisor to the County, for the Project and with respect to the issuance of the Tax-Exempt Financing. The financial advisor shall perform those duties usual and customary with respect to the Project and the issuance of the Tax-Exempt Financing.

3. The County hereby appoints Eckert Seamans Cherin & Mellott, LLC, Harrisburg, Pennsylvania, as bond counsel, for the Project and with respect to the issuance of the Tax-Exempt Financing. Bond counsel shall prepare those documents usual and customary for bond counsel to prepare as well as any other documents necessary to complete the financing of the Project, or as otherwise hereafter requested by the County. Bond counsel shall review all documents prepared by others relating to the Project and the issuance of the Tax-Exempt Financing for compliance with applicable law.

4. County officials, acting through the County Manager, the Chief Clerk of the County, the County solicitor, and other persons and entities, whether employed or retained by the County, shall assist the County solicitor, financial advisor, and bond counsel in the preparation of a financing plan for the Project. The County solicitor, financial advisor and bond counsel shall report, either directly or through the County Manager on the status of the financing plan to the Board. Reporting required hereby shall be in such manner as the County Manager shall deem appropriate.

5. This Resolution constitutes a declaration of official intent under the Reimbursement Regulations to reimburse the County with proceeds of the Tax-Exempt Financing, which constitutes all or a portion of the Tax-Exempt Financing, for expenditures made on behalf of the Project. This official intent encompasses original expenditures made not more than sixty (60) days prior to the date of adoption of this Resolution and thereafter, or as otherwise authorized by the Reimbursement Regulations.

6. The County expresses its reasonable expectation that County funds will be expended prior to issuance of the Tax-Exempt Financing for costs of the Project, and the County reasonably expects to issue the Tax-Exempt Financing and to reimburse itself therefrom, with respect to Project; provided such expenditures are eligible for reimbursement pursuant to the Reimbursement Regulations.

7. To the extent that hereafter a specific designation is to be made for each expenditure paid from County funds for which a reimbursement allocation will be made from proceeds of the Tax-Exempt Financing under authority of this Resolution, the Board or the County Manager is empowered to designate such expenditures and to specify the amount of each expenditure. The County Manager shall provide to the Board at regularly scheduled meetings, a list of the expenditures so designated.

8. The reasonable expectations set forth in this Resolution are consistent with the budgetary and financial circumstances of the Project. To the extent the County has budgeted or hereafter has available any funds reasonably expected to be used for and towards the Project,

indicates that the student should remain in the school of origin as mandated by ESEA 112(c)(5)(B). The Plan is designed to govern how transportation will be provided to students in placement, in order to maintain continuation of their education in their school of origin in a cost effective manner.

Motion carried.

Planning:

2017 Community Development Block Grant (CDBG):

At this time Anne Thomas, Grants Program Coordinator, was recognized by Board Chairman Phiel. This is the date advertised to hold a Public Participation Meeting to provide the citizens a chance to comment on past projects and future projects with the Community Development Block Grant Funds. The record shall show that no public comment was received.

Personnel Report:

Mr. Qually moved, seconded by Mr. Martin, to approve the following personnel actions:

Courts:

Recommendation from Don Fennimore, Court Administrator, to note the following:

- Separation of Employment from the Domestic Relations Department for Nicole Meyer, Case Management Officer, effective June 2, 2017.
NOTE: Ms. Meyer is transferring to the District Attorney's Office effective June 5, 2017
- Employment of Jennifer Diffenbaugh, Conference Officer in Domestic Relations, effective June 5, 2017

Children & Youth Services:

Recommendation from Sarah Finkey, Administrator, to approve the employment of Amy Petit, Fiscal Assistant, effective May 15, 2017.

Tax Services:

Recommendation from Daryl Crum, Director, to approve the employment of Jessica Watson, Property Evaluator/Mapping Assistant, effective May 30, 2017.

Adams County Adult Correctional Complex:

Recommendation from Warden Brian Clark to approve the employment for the following Correctional Officers, effective June 5, 2017: Trevor Stover, Michael Swankler, Nicholas Koons, Jason Lohuis, Shaunie Burns, Mitchell Vandegrift, Brandi Schildt and James Cole.

Separation of Employment with Permission to Post:

- Jayne Legore, Caseworker 2, Children & Youth Services, effective May 19, 2017
- Christian Fow, Deputy Director Department of Emergency Services, effective May 15, 2017
- Elizabeth Martinez, Public Defender Receptionist, effective May 26, 2017

Motion carried.

Expenditures:

Mr. Martin moved, seconded by Mr. Qually, to approve the following expenditures for the period May 8, 2017 through May 19, 2017:

General Fund Total	\$ 1,849,837.74
General Fund	\$ 830,953.53
Debt Service Payments	\$ 101,119.72
Payroll	\$ 917,764.49
911 Fund	\$ 267,097.61
Children & Youth Services	\$ 287,176.29
Managed Care – Pass Through	\$ 416,889.22
HazMat Fund	\$ 101.96
Records Management	\$ 3,155.00
Human Services Building	\$ 434,703.83
Capital Project	\$ 3,094.00
Commissary Fund	\$ 4,006.89
Capital Projects - Reserve	\$ 51,491.23
Internal Service Fund	\$ 207,409.29

Motion carried.

Other Business:

No other business was brought to the Board at this time.

Salary Board Meeting:

The Salary Board Meeting will be held following the Commissioners Meeting.

Adjournment:

Mr. Qually moved, seconded by Mr. Martin, to adjourn the Commissioners' Meeting at 9:37 a.m. this date.

Motion carried.

Respectfully submitted,

Paula V. Neiman
Chief Clerk