

Wednesday, March 11, 2015 2:00 p.m.

The Board of Commissioners held a workshop session, all members present. Comm. Ames presiding.
Executive sessions were held to discuss personnel matters.

Wednesday, March 18, 2015 11:30 a.m.

The Commissioners met with the other members of the Prison Board at the Correctional Facility to conduct their monthly meeting.

Wednesday, March 18, 2015 1:30 p.m.

The Board of Commissioners held a workshop session, all members present. Comm. Ames presiding.
An executive session was held to discuss personnel matters.

Thursday, March 19, 2015 9:30 a.m.

The regular meeting of the County Commissioners was held today all members present. Comm. Ames presiding.

The meeting opened with Observance of a Moment of Silence and the Pledge to the Flag.

The Commissioners asked for public comment and no comment(s) were heard.

The Commissioners approved the minutes from the February 19, 2015 meeting.

Sallie Neuin, Lebanon County Treasurer, met with the Commissioners to present the weekly Treasurer's report for consideration.

The Commissioners accepted the Treasurer's report as read with expenditures in the amount of \$1,905,256.93. The gross payroll is in the amount of \$970,585.17.

Jamie Wolgemuth, County Administrator, presented the weekly personnel transactions and conference/seminar requests for consideration.

John Shott, CJAB Coordinator for Lebanon County Probation Services, met with the Commissioners to present various items for consideration. Sally Barry, Director was in attendance.

The Commissioners approved and signed a **PCCD grant modification request to make funding available from other line items in the grant budget, for an additional Mental Health First Aide**

(MHFA) training for law enforcement personnel. The training will be held at Philhaven Hospital at a cost of a\$25.00 per person.

The Commissioners approved and signed the **Pennsylvania Commission on Crime and Delinquency (PCCD), a County Offender Reentry Planning grant application in the amount of \$9,851.00, for the period of July 1, 2015 and June 30, 2016. The funds shall be used by CJAB to create an offender reentry plan as a central component of the CJAB Strategic Plan for 2015 and beyond.**

The Commissioners approved and signed the **Pennsylvania Commission on Crime and Delinquency (PCCD), a County Intermediate Punishment (IP) Grant modification request in the amount for as much as \$50,000.00 for the period of July 1, 2014 to June 30, 2015. The funds shall be used for the Renaissance-Crossroads Program in Lebanon County.**

Frederick Wolfson, Lebanon County Health Facilities Authority and Attorney for Good Samaritan Hospital along with Jason Trout, Vice President of Good Samaritan Health Systems, met with the Commissioners to present a Cooperation Agreement for the development and construction of a new ambulatory cancer center facility. This 22,000 sq. ft. project will cost \$13,000,000.00. The center shall be named "Sechler Family Cancer Center" and will be located at 840 Tuck Street, South Lebanon Township, Lebanon, PA.

It was moved by Comm. Litz, seconded by Comm. Phillips to **enter into the following Cooperation Agreement by and between Lebanon County Health Facilities Authority and the Good Samaritan Hospital of Lebanon, Pennsylvania and Lebanon County as the government entity for a Redevelopment Assistance Capital funds (RACP) in the amount of up to \$3,000,000 to assist in the development and construction of a new ambulatory cancer center at no cost to the County.** Comm. Phillips stated that he is a Trustee and does not conduct official business with the Hospital. Vote unanimous.

COOPERATION AGREEMENT
Between
LEBANON COUNTY HEALTH FACILITIES AUTHORITY
and
THE GOOD SAMARITAN HOSPITAL OF LEBANON, PENNSYLVANIA
and
LEBANON COUNTY, PA

THIS COOPERATION AGREEMENT ("Agreement") is made as of the 19th day of March, 2015 by and between LEBANON COUNTY HEALTH FACILITIES AUTHORITY, a municipality authority organized and existing under the Pennsylvania Municipality Authorities Act ("GRANTEE") and THE GOOD SAMARITAN HOSPITAL OF LEBANON, PENNSYLVANIA, a Pennsylvania not for profit 501c3 corporation ("SUB-RECIPIENT") and LEBANON COUNTY, a Pennsylvania county of the 5th class ("COUNTY");

WHEREAS, GRANTEE has made application to the Commonwealth of Pennsylvania acting through the Office of the Budget ("Commonwealth") to use Redevelopment Assistance Capital funds (RACP) in the amount of up to \$3,000,000 to assist in the development and construction of a new ambulatory cancer center facility located in South Lebanon Township, Lebanon County, PA; which facility shall be owned and operated by Sub-recipient (the "Project"); and

WHEREAS, the Commonwealth has issued a Grant Agreement to GRANTEE for the Project in the amount of \$3,000,000 (the "Contract"), which Project is known as the Ambulatory Cancer Center-Good Samaritan Hospital, with Commonwealth Contract number ME #300-1380; and

WHEREAS, the fully executed Contract anticipates that it is the intention of GRANTEE to receive RACP proceeds from the Commonwealth and to disburse same directly to SUB-RECIPIENT for Project uses in compliance with the RACP program and state law; and

WHEREAS, the SUB-RECIPIENT assumes the responsibility to receive the aforesaid RACP funds from GRANTEE, and to assume the responsibility for compliance with RACP and state law requirements in the expenditure of such RACP funds, and to indemnify GRANTEE for any violations of said requirement.

WHEREAS, the roles and responsibilities of GRANTEE, and SUB-RECIPIENT relative to the administration of the Project as well as the administration of the RACP Contract are set forth in a separate COOPERATION and SUB-RECIPIENT Agreement, a copy of which is attached hereto as Attachment A; and

WHEREAS, notwithstanding any provisions contained in the aforesaid COOPERATION and SUB-RECIPIENT AGREEMENT, the Commonwealth's Office of the Budget requires that all RACP projects be authorized by a general purpose unit of local government; and

WHEREAS, the Commonwealth's Office of the Budget further requires that notwithstanding the legal status of any GRANTEE or SUB-RECIPIENT, a general purpose unit of local government must agree to reimburse the Commonwealth for any RACP funds released for expenses that may later be determined to have been ineligible; and

WHEREAS, the COUNTY, is considered to be a general purpose unit of local government for purposes of these RACP program requirements, and further that the COUNTY is willing to both 1) authorize the Project as described herein and 2) agree to reimburse the Commonwealth for any RACP funds released for expenses that may later be determined to have been ineligible.

NOW THEREFORE, the parties hereto, intending to be legally bound hereby agree as follows:

1. The GRANTEE and SUB-RECIPIENT hereby agree to abide by the terms of the attached COOPERATION and SUB-RECIPIENT Agreement, governing their respective roles and responsibilities in the administration of the RACP Project and the RACP Contract.
 2. COUNTY acknowledges that it shall have no role in either the administration of the RACP Project or of the RACP Contract.
 3. Notwithstanding any provisions contained in the aforesaid COOPERATION and SUB-RECIPIENT Agreement, COUNTY acknowledges its role as a general purpose unit of local government for RACP program purposes, and does hereby 1) authorize the Project as described herein and 2) agree to reimburse the Commonwealth for any RACP funds release for expenses that may later be determined to have been ineligible.
1. INDEMNIFICATION: SUB-RECIPIENT agrees to indemnify, defend and hold harmless the GRANTEE and the COUNTY from any claims for injury or damages arising out of any of the activities performed by or information provided by or through SUB-RECIPIENT hereunder, and for claims for reimbursement asserted by the Commonwealth pursuant to the Contract. GRANTEE and COUNTY shall be named as additional insured on all insurance policies relating to the construction of the Project and/or required to be obtained by the Contract.
 2. CONSTRUING AGREEMENT: This agreement shall be construed in accordance with the laws of the Commonwealth of Pennsylvania and all duties, obligations and liabilities of the parties with respect to same shall be deemed to have occurred in Lebanon County, Pennsylvania.

3. HEADINGS: The headings contained herein are for convenience and reference and are not intended to define or limit the scope of any provision of this contract.
4. NOTICES: All notices which may be proper or necessary to be served hereunder shall be in writing and shall be served by certified mail, postage prepaid, with return receipts requested. All notices addressed to GRANTEE shall be sent to: GRANTEE at: 1601 Cornwall Road, Lebanon, Pennsylvania 170942, and to COUNTY at ATTN: County Administrator, Municipal Building, Room 207, 400 South Eighth Street, Lebanon, Pennsylvania 17042.
5. SEVERABILITY: If any section, subsection, sentence, clause or portion of this agreement is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.
6. INTEGRATION CLAUSE: This agreement, and any incorporations herein, constitute the entire agreement between the parties with respect to the subject matter contained herein, and supersedes all prior oral and/or written agreements, understandings, and communications between the parties with respect to the subject matter hereof. This agreement shall not be in any way modified, abridged or amended except in writing signed by the parties to be bound thereby.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year first above written.

GRANTEE:	LEBANON COUNTY HEALTH FACILITIES AUTHORITY
SUB-RECIPIENT:	GOOD SAMARITAN HOSPITAL OF LEBNAON, PENNSYLVANIA
COUNTY:	LEBANON COUNTY

Jamie Wolgemuth, County Administrator, presented the following items for consideration:

The following individuals were appointed members of the Community Action Partnership Advisory Board with terms to expire December 2017:

Scott Barry
Debra Umbrell

It was moved by Comm. Litz, seconded by Comm. Phillips to reappoint the following individuals as members of the Lebanon Transit Board of Directors with terms to expire January 31, 2018: Comm. Litz and Comm. Ames voted "Aye". Comm. Phillips "Abstained". Motion carried.

Allen Freed *Brenda Phillips*
Patrick Kerwin

The following individuals were reappointed members of the Capital Resource Conservation and Development Council (CRC&D) with terms to expire March 2016:

Robert Sentz, Alternate to Commissioner
Stephanie Harmon, Alternate

The following individuals were reappointed members of the Lebanon County Agricultural Land Preservation Board with terms to expire January 31, 2018:

Timothy Sheffey, Public Board Member
Richard Moore, Public Board Member
Curtis Martin, Farmer Board Member

David Schmidt, Program Manager of Penn State Cooperative Extension of Lebanon County, met with the Commissioners to inform them of the West Nile Virus Program, Lebanon Tire Collection which will be held on April 14, 2015 between the hours of 8:00 a.m. and 6:00 p.m. at the Lebanon Valley Expo (Fairgrounds) for residents of Lebanon County. Non-residents will have to pay for all tires they dispose of at the collection.

Jill Weister, Chair of the Lebanon Valley Destination Marketing Organization (DM) and Patrick Kerwin, Executive Director of the Lebanon Valley Exposition Corporation/DMO Board Member, met with the Commissioners to present their proposals for use of Hotel Tax Funds.

Jamie Wolgemuth, County Administrator, presented a resolution and an ordinance for consideration.

It was moved by Comm. Phillips, seconded by Comm. Litz to adopt the following resolution for the Tourist Promotion Agency: Vote unanimous.

RESOLUTION NO. 3-19-2015

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania has enacted the Tourist Promotion law (Act of April 28, 1961 being Act No. 50, of 1961 Regular Session, 73 P.S. §401 et seq) for the purpose of promoting tourism within the Commonwealth by the granting of financial assistance to tourism agencies engaged in the promotion, development and expansion of tourist attractions and commerce in the respective counties of the Commonwealth; and

WHEREAS, pursuant to the provisions of the Tourist Promotion Law only one such agency shall be designated and qualified in each county to receive such financial assistance in accordance with the provision of said law; and

WHEREAS, to so qualify for such financial assistance a Tourist Promotion Agency must be designated for that purpose by the Board of County Commissioners of the county which such agency is to represent and such designation must be concurred in by resolutions of the governing bodies of cities, boroughs, towns or townships within the respective county having in aggregate over fifty (50) percentum of the population of said county; and

WHEREAS, the Lebanon County Tourism Promotion Agency, doing business as the Lebanon Valley Destination Marketing Organization (LVDMO) has requested the Lebanon County Commissioners to designate it as the Tourist Promotion Agency to represent the County of Lebanon for the purpose of the Tourist Promotion Law; and

WHEREAS, the designated Tourism Promotion Agency (TPA) will serve in this designation until and unless the County Commissioners designate another entity. The TPA will report regularly to the County Commissioners, as provided for in the Act. Further, if the TPA is decertified or dissolved, all tangible and intellectual property will revert to the County.

NOW, THEREFORE, BE IT RESOLVED, that the Lebanon Valley Destination Marketing Organization hereby designated as the Tourist Promotion Agency for the County of Lebanon with full power and authority to represent the County in all matters relevant to and for all purposes of the Tourist Promotion Law.

DULY ADOPTED: This 19^h day of March, Two Thousand Fifteen.

BOARD OF COUNTY COMMISSIONERS

/s/ William E. Ames, Chairman
/s/ Robert J. Phillips, Vice Chairman
/s/ Jo Ellen Litz, Secretary

ATTEST: /s/ Jamie A. Wolgemuth
County Administrator

It was moved by Comm. Phillips, seconded by Comm. Litz to adopt the following Ordinance for the Hotel Room Rental Tax: Vote unanimous.

**COUNTY OF LEBANON,
PENNSYLVANIA**

ORDINANCE NO. 53

AN ORDINANCE IMPOSING THE HOTEL ROOM RENTAL TAX TO FUND TOURIST PROMOTION PURSUANT TO THE COUNTY CODE, ACT OF AUGUST 9, 1955, AS AMENDED, 16 P.S § 1770.6 et seq.; IMPOSING AND ESTABLISHING A RATE OF TAX; PROVIDING FOR THE COLLECTION, DEPOSIT AND DISTRIBUTION OF TAX REVENUES; AUTHORIZING EXPENDITURES OF THE TAX, ACCESS TO RECORDS, PENALTIES AND ADMINISTRATION; ESTABLISHING THE EFFECTIVE DATE OF THIS ORDINANCE; AUTHORIZING ALL OTHER NECESSARY ACTION; AND MAKING REPEALS.

WHEREAS, the County of Lebanon is a county of the fifth class and a political subdivision of the Commonwealth of Pennsylvania; and

WHEREAS, the general welfare of the people of the County and the Commonwealth benefit from the continual encouragement, development, growth and expansion of business, industry, commerce and tourism within the County and the Commonwealth; and

WHEREAS, the Commissioners of the County of Lebanon desire to fund tourist promotion by imposition of a hotel room rental tax.

NOW THEREFORE, WE, the Board of Commissioners of the County of Lebanon hereby enacts and ordains the following:

I. DEFINITIONS

The following words and phrases when used in this Ordinance shall have the meaning given to them in this Section unless the context clearly indicates otherwise:

“Bed and Breakfast” or “Homestead” – A public accommodation consisting of a private residence, which contains ten or fewer bedrooms, used for providing overnight accommodations to the public and in which breakfast is the only meal served and is included in the charge for the room.

“Consideration” – Receipts, fees, charges, rentals, leases, cash, credits, property of any kind or nature, or other payment received by operators in exchange for or in consideration of the use or occupancy by a transient of a room or rooms in a hotel for any temporary period.

“County” – The County of Lebanon, Pennsylvania.

“Hotel” – A hotel, motel, bed and breakfast, homestead, inn, guest house or other structure which holds itself out by any means, including advertising, license, registration with an innkeeper’s group, convention listing association, travel publication or similar association with a government agency, as being available to provide overnight lodging or use of facility space for consideration to persons seeking temporary accommodation; any place which advertises to the public at large or any segment thereof that will provide beds, sanitary facilities or other space for temporary period to members of the public at large; and place recognized as a hostelry. The term does not include any portion of a facility that is devoted to persons who have an established permanent residence, a college or university student residence hall or any private campground; any cabins, campgrounds or other facilities located on State land.

“Occupancy” - The use or possession or the right to the use or possession by any person other than a permanent resident of any room in a hotel for any purpose, or the right to the use or possession of the furnishings or to the services accompanying the use or possession of the room.

“Operator” – An individual, partnership, limited liability company, nonprofit or profit-making association or corporation or other person or group of persons, who maintains, operates, manages, owns, has custody of or otherwise possesses the right to rent or lease overnight accommodations in a hotel to the public for consideration.

“Patron” – A person who pays the consideration for the occupancy of a room or rooms in a hotel.

“Permanent Resident” – A person who has occupied or has the right to occupancy of a room or rooms in a hotel as a patron or otherwise for the period exceeding sixty consecutive days.

“Tourist Promotion Agency” – A nonprofit organization, agency or corporation designated by the Board of Commissioners of the County of Lebanon as the County’s Tourist Promotion Agency. The Tourist Promotion Agency must be duly established, designated and recognized as such in accordance with and pursuant to the Act of April 28, 1961 (P.L. 111, No. 50), known as the “Tourist Promotion Law”.

“Records” – Includes, but is not limited to, the number of daily transactions, the rate of each occupancy, the revenues received for all transactions, cash receipts and sales journals, cash disbursements, and purchase journals, general ledgers, exemption certificates or documentary evidence of occupant’s entitlement to hotel occupancy tax exemption.

“Room” – A space in a hotel set aside for use and occupancy by patrons, or otherwise, for consideration, having at least one bed or other sleeping accommodation in a room or group of rooms.

“Transaction” – The activity involving the obtaining by a transient or patron of the use or occupancy of a hotel room from which consideration is payable to the operator under an express or an implied contract.

“Transient” – The individual who obtains accommodation in a hotel by means of registering at the facility for the temporary occupancy of a room for the personal use of the individual by paying a fee to the operator.

“Treasurer” – The elected Treasurer of the County of Lebanon.

II. IMPOSITION OF HOTEL ROOM RENTAL TAX (“TAX”)

1. A three percent (3%) tax is hereby imposed on the consideration received by each operator of a hotel within the County from each transactions of renting a room or rooms to transients.
2. If the County or any duly authorized representative is unable to determine the tax due from operator records, the tax due for each unpaid tax year shall be determined to be the lesser of the following:
 - A. Three percent (3%) of the consideration that could have been received by the operator for all hotel rooms during the tax year at occupancy rates in effect at the time of the determination.
 - B. Three percent (3%) of the annualized consideration received during the tax year prior to the determination.

III. COLLECTION OF THE TAX

The tax shall be collected by the operator from the patron of the room or rooms and paid over to the County Treasurer. Nothing herein shall be construed to relieve the operator from liability for failure to collect the tax from a patron.

IV. EXEMPTIONS

1. A permanent resident, as that term is defined in this Ordinance, is excluded from the tax upon the occupancy of any room or rooms during which, or at the expiration of which, he is or becomes a permanent resident.
2. The only other exceptions from the tax shall be as set forth in Title 61 Pa. Code 38.2 which is incorporated herein by reference. These exemptions shall include:
 - A. Ambassadors, ministers and consular officers of foreign government;
 - B. Occupancy of hotel rooms by officials or employees of the United States Government and the Commonwealth of Pennsylvania;
 - C. Occupancy of hotel rooms by other exempt entities.
3. No person or entity other than those referred to by the preceding paragraphs of this section shall be exempt from the tax.

V. PAYMENT OF THE TAX

1. The operator shall pay the tax to the County Treasurer monthly.

2. The payment shall be postmarked no later than the 20th day of the following month.

VI. FILING OF A TAX RETURN

The operator shall file a tax return on forms prepared by the County when paying the tax summarizing the consideration received and providing documentation as deemed necessary by the County.

VII. COLLECTION AND DISPOSITION OF REVENUES

1. The County Treasurer shall collect the tax and deposit the revenues received from the tax in a special fund established for the purpose.
2. The County Treasurer shall distribute the revenues from the special fund in the following manner:
 - A. Deduct and retain from the fund an administrative fee of the lesser of two per centum of all taxes collected hereunder or forty thousand dollars (\$40,000).
 - B. Distribute all remaining revenues in the following manner no later than sixty (60) days after receipt of the tax revenues to the recognized Tourist Promotion Agency (TPA):
 - C. The TPA shall distribute the funds in the following manner:
 - 1) Fifty Five percent (55%) of the funds shall be used by the TPA for purposes of tourism, promotion and tourism development.
 - 2) Thirty Five percent (35%) of the funds shall be forwarded and used by the Lebanon Valley Exposition Corporation for purposes of tourism, convention promotion and tourism development.
 - 3) Ten percent (10%) of the funds shall be forwarded and used by the County for the purposes of maintaining special county tourism efforts.

VIII. AUDIT

1. The Tourist Promotion Agency shall use tax revenues for the purposes of tourism, convention promotion and tourism development.
2. The Tourist Promotion Agency and the Lebanon Valley Exposition Corporation, receiving any revenues from the tax authorized by this Ordinance shall submit, prior to March 31st of the following year, an audited report of the income and expenditures of the revenues distributed by the County Treasurer.

IX. RECORDKEEPING REQUIREMENTS

Operators shall retain records for three (3) years after a return is filed.

X. ACCESS TO RECORDS

The County or any duly authorized representative shall have access within 14 days of a written request, to any books, documents, papers and records of an operator and the Tourist Promotion Agency which are directly pertinent to the collection and expenditure of the proceeds of the tax authorized by this Ordinance for the purpose of making audit, examination, excerpts, and transcripts.

XI. LATE PAYMENT FEES, INTEREST, and ATTORNEY FEES

If for any reason the tax is not paid when due under the provisions of Section V, a late payment fee of One Hundred Dollars (\$100.00) plus interest at the rate of nine percent (9%), per year, or three-quarters percent (.75%) per month, on the amount of the tax which remains unpaid shall be added and collected, as well as reasonable collection or attorney fees incurred by the County.

XII. ENFORCEMENT

Whenever any operator shall fail to file a monthly return or pay the tax as herein provided, the County may bring or cause to be brought a civil action, in any Court having jurisdiction, to enforce the payment of all taxes, late payment fees, interest, costs of suit, and reasonable collection or attorney fees.

XIII. PENALTIES

Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding before any Magisterial District Judge in Lebanon County, be sentenced to pay a fine of not more than One Thousand Dollars (\$1,000.00), or undergo imprisonment for not more than ten (10) days, or both.

XIV. ADMINISTRATION

The County Treasurer shall be responsible for administering the provisions of this Ordinance. The County Treasurer shall promulgate and submit administrative rules and regulations to the Board of Commissioners for this approval consistent with this Ordinance.

XV. SEVERABILITY OF PROVISIONS

If any provisions, clause, sentence, paragraph, section or part of this Ordinance, or application thereof to any person, firm, corporation, public agency or circumstance, shall for any reason, be judged by a Court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporation, public agencies or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered to the person, firm, corporation, public agency, or circumstance involved. It is hereby declared to be the legislative intent of the Board of Commissioners that this Ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section or part thereof not been included.

XVI. REPEALS

The following Ordinances are repealed: Ordinances, 25, 26, 30 and 35.

XVII. EFFECTIVE DATE

1. This Ordinance shall take effect on April 1, 2015.
2. The proper officers of the County are hereby authorized and directed to take any and all action necessary to implement the County Hotel Room Rental tax in accordance with this Ordinance.

ENACTED AND ORDINED THIS 19th **DAY OF** March, 2015

BOARD OF COUNTY COMMISSIONERS

/s/ William E. Ames, Chairman
/s/ Robert J. Phillips, Vice Chairman
/s/ Jo Ellen Litz, Secretary

Attest: */s/ Jamie A. Wolgemuth*
Chief Clerk

The Commissioners approved an allocation in the amount of \$16,871.64 to the Lebanon Valley Exposition Corporation from the Hotel Room Rental Tax Fund. These funds shall be used by the Lebanon Valley Exposition Corporation for reimbursement of expenses of vendor invoices:

It was moved by Comm. Litz, seconded by Comm. Phillips to adjourn the meeting.