

Tuesday, February 12, 2008

The Board of County Commissioners met in regular session on **Tuesday, February 12, 2008 at 9:25 AM** with the following members present:

Christopher Smeiles

Charles W. Keiper II

Maureen T. Frederick

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It was moved by Maureen T. Frederick, seconded by Charles W. Keiper II to approve the meeting minutes of the February 7, 2008 meeting. All in favor, motion carries

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Also attending throughout the day: Mike Sever, Record-Courier

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PUBLIC COMMENT PERIOD

Present: Rod Hoskin, 4H Saddle Club Chairman; Mark Tirpak

The gentlemen attending today to ask the Board of Commissioners for County funds to replace a pavilion, update and rebuild the barns, fire rings update, and a new concession stand in the barn area, noting that the Fair cannot assist the 4H group due to the high cost (\$150,000) for the new sewer system. 4H parents working in the construction industry have offered to provide the labor if funds can be found to purchase the supplies needed to rebuild/update.

Mr. Hoskin noted that 2008 is the 150th Anniversary of the Portage County Fair. Mr. Hoskin asked the Commissioners for assistance in starting this project by providing the funds. Commissioner Frederick asked for a priority list of buildings.

Mr. Hoskin responded that they would like to have a new pavilion, small concession stand and picnic area in place before the 2008 Fair begins. The watering system and the new/updated horse barns would be the next priority.

Commissioner Smeiles asked if there are still swap meets going on; Mr. Tirpak noted that the Internet has cut down on the length of the meets. Commissioner Smeiles noted that this has cut down on Fair income.

Mr. Hoskin stated that the other animal barns will also need to be rebuilt at some point in the future.

The Board of Commissioners asked what amount the 4H group is looking for. Mr. Hoskins replied that \$40,000 would get them the materials for the new pavilion, concession stand and an update to the water rings. Other money available from the Saddle Club would help build two new barns. The new barns would bring in more horse shows. Once the commitment is made, the group would go to local stores and ask for sponsorship.

The Board of Commissioners noted that the county does contribute \$3300 to the Fair yearly, and pays for the building insurance under the county umbrella. Commissioner Smeiles stated that there are mandated issues such as Sheriff's vehicles, pay raises etc.

Commissioner Keiper noted that the Board of Commissioners is discussing the hire of a person dedicated to finding grant funds, which could be advantageous to the Fair.

The Board of Commissioners agreed to forward this request for \$40,000 to the DBFM for inclusion with other requests. The 4H Club would be happy to provide plans, should the Board of Commissioners want to see them.

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PROSECUTOR

Present: Attorneys Denise Smith and Tommie Marsilio; Water Resources Department Director Harold Huff; Human Resources Department Director Lynn Leslie

Denise Smith advised that she has no update for the Prosecutor’s Pending List

Prosecutor’s Correspondence

1. February 4, 2008 e-mail from Denise Smith regarding Charles Canter/Attorney Smith advised that this case has a civil remedy not one through the Prosecutor’s Office.
2. February 5, 2008 e-mail from Denise Smith regarding Promotional Products Group vs. Timothy Dieghan/Remove from pending list
3. February 7, 2008 correspondence from Leigh Prugh to Thomas Gacse, Home Savings & Loan, regarding Park Place Subdivision Sanitary Improvements/Information only at this time

10:16 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by Maureen T. Frederick to move into an Executive Session to discuss a personnel issue, seconded by Charles W. Keiper, II. Also present: Attorney Denise Smith and Tommie Jo Marsilio, Human Resources Department Director Lynn Leslie, and Water Resources Director Harold Huff. Roll call vote: Maureen T. Frederick, Yea; Charles W. Keiper, II, Yea; Christopher Smeiles, Yea.

10:20 AM Motion by Maureen T. Frederick to exit Executive Session, seconded by Charles W. Keiper, II. Roll call vote: Maureen T. Frederick, Yea; Charles W. Keiper, II, Yea; Christopher Smeiles, Yea.

Upon exiting Executive Session, the Board of Commissioners took no action.

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DEPARTMENT OF BUDGET AND FINANCIAL MANAGEMENT

Present: Audrey Tillis

Resolutions

1. General Fund Amendments to the Annual Appropriation Resolution:/08-143
 - a. Commissioner Other, Supplemental C/O allocation approved by Board 01/29/08, Dept. approved requests pending price quotes, and approved requests pending calculation of amounts
 - b. Senior Center, Supplemental C/O allocation approved by Board 01/29/08 – Increase in PT hours.
 - c. Treasurer, Supplemental C/O allocation approved by Board 01/29/08 – Probationary setup adjustment

Roll call vote as follows:

Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea;

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RESOLUTION No. 08-0139 - RE: APPROVAL OF JOURNAL VOUCHERS/ENTRIES.

It was moved by Maureen T. Frederick, seconded by Charles W. Keiper II that the following Resolution be adopted:

WHEREAS, the Ohio Revised Code requires that warrants be approved by the Board of Commissioners prior to their issuance, and

WHEREAS, there are other similar financial transactions defined as journal vouchers/entries that are dissimilar in that they are used to pay for charges for services from one county department and/or fund to another department and/or fund and thus are processed in lieu of issuing a warrant, and

WHEREAS, the Journal Vouchers/Entries are recommended by the County Auditor’s Office for review and approval by the Board of Commissioners; now therefore be it

RESOLVED, that the Board of Commissioners approves the following Journal Vouchers/Entries as presented by the County Auditor’s Office:

| | | |
|----------|-----|---------------|
| 02/11/08 | 326 | \$ 274.62 |
| 02/11/08 | 332 | 5,202.00 |
| 02/11/08 | 333 | 123,612.91 |
| 02/11/08 | 335 | 1,713.25 |
| 02/11/08 | 345 | 32,091.24 |
| 02/11/08 | 357 | 240.48 |
| | 358 | 2,891.96 |
| | | |
| Total | | \$ 166,026.46 |

and be it further

RESOLVED, that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll call vote as follows:

Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea;

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RESOLUTION No. 08-0140 - RE: ACCEPTANCE OF THEN AND NOW

RESOLVED, that the Board of Portage County Commissioners authorizes the application and accepts the Fiscal Year 2007 Supplemental Emergency Management Performance Grant of \$16,186.00 on behalf of the Portage County Office of Homeland Security & Emergency Management; and be it further

RESOLVED, that the Board of Commissioners authorizes the President of the Board of Commissioners or his designee to sign the grant acceptance documents; and be it further

RESOLVED, that a copy of this resolution be filed with the Portage County Auditor, the Department of Budget & Financial Management, the Internal Auditor, and the Office of Homeland Security & Emergency Management Agency Director; and be it further

RESOLVED, that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Voice Vote as Follows:

Christopher Smeiles, Yea;

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

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RESOLUTION No. 08-0142

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RE:

AUTHORIZE THE ACQUISITION OF ONE (1) HIGHWAY EASEMENT AND ONE (1) SLOPE EASEMENT AND AUTHORIZE THE ISSUANCE OF COUNTY WARRANTS TO ACQUIRE SAID RIGHT OF WAY TO ALLOW FOR THE CONSTRUCTION OF THE COIT ROAD (SHA 141 TH210B) BRIDGE REPLACEMENT PROJECT IN SHALERSVILLE TOWNSHIP, PORTAGE COUNTY.

It was moved by Maureen T. Frederick, seconded by Charles W. Keiper II that the following Resolution be adopted:

WHEREAS, Resolution No. 05-0299, adopted by the Portage County Board of Commissioners, authorized the execution of the original engineering agreement between Richland Engineering Limited and Portage County for providing engineering services for the Coit Road (SHA 141 TH210B) Bridge Replacement Project, and

WHEREAS, plans prepared by Richland Engineering Limited. for the Coit Road (SHA 141 TH210B) Bridge Replacement Project indicated that Portage County would need to purchase one (1) Highway Easement from parcel owned by James R. and Diane L. Kruis and one (1) Slope Easement from parcel owned by Matthew J. and Jaime A. Gordon to allow for the construction of said project, and

WHEREAS, Resolution No. 06-0632 authorized Urban Ohio Group Limited to provide right of way acquisition services for Coit Road (SHA 141 TH210B) Bridge Replacement Project, and

WHEREAS, the appraised value, submitted by Urban Ohio Group Limited to purchase one (1) Highway Easement and one (1) Slope Easement from two (2) different property owners had a total cost of \$2,947.00 for the construction of the Coit Road (SHA 141 TH210B) Bridge Replacement Project in Shalersville Township, Portage County, and

WHEREAS, the Portage County Engineer does hereby recommend the acquisition of the below enumerated one (1) Highway Easement and one (1) Slope Easement to facilitate the construction of the Coit Road (SHA 141 TH210B) Bridge Replacement Project in Shalersville Township, Portage County; now therefore be it

RESOLVED, that the Board of Portage County Commissioners does hereby authorize the purchase of said parcels as follows and further authorizes the issuance of two (2) County warrants totaling \$2,947.00:

Portage County Auditor's Parcel #33-073-00-00-009-000

Highway Easement No. 10-SH – 0.101 Acres

Owner: James R. and Diane L. Kruis, 9455 Coit Road, Mantua, OH 44255

Cost: \$2,390.00

Portage County Auditor's Parcel #33-073-00-00-007-001

Slope Easement No. 11-SL – 0.079 Acres

Owner: Matthew J. and Jaime A. Gordon, 9492 Coit Road, Mantua, OH 44255

Cost: \$557.00

Now therefore be it;

RESOLVED, that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Voice vote as follows:

Christopher Smeiles, Yea;

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

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RESOLUTION No. 08-0143

RE: AMENDMENT TO THE GENERAL FUND 2008
ANNUAL APPROPRIATION RESOLUTION NO. 07-
1208 ADOPTED DECEMBER 18, 2007

It was moved by Maureen T. Frederick, second by Charles W. Keiper II that the following resolution be adopted:

RESOLVED, that it has become necessary to amend the General Fund 2008 Annual Appropriation in the amounts and for the purposes set forth in the enumeration shown below,

| | | <i>Increase</i> | <i>Decrease</i> |
|--------------------------------|-----------------------|----------------------------|--------------------|
| Fund: 0001 | General Fund | | |
| <i>010 Commissioners Other</i> | | | |
| 00104 | Commissioner Other CS | 156,882 | 0 |
| 00107 | Commissioner Other OE | 3,014,593 | 0 |
| 00108 | Commissioner Other DE | 100,000 | 0 |
| 00109 | Commissioner Other ME | 80,000 | 0 |
| MEMO TOTAL | | <u><u>\$ 3,351,475</u></u> | <u><u>\$ -</u></u> |

Note: BOC ALLOCATION OF C/O

| | | | |
|--------------------------|-------------------------|------------------------|--------------------|
| <i>055 Senior Center</i> | | | |
| 00553 | Senior Center Fringes | 514 | 0 |
| 0055E | Senior Center Part Time | 3,330 | 0 |
| MEMO TOTAL | | <u><u>\$ 3,844</u></u> | <u><u>\$ -</u></u> |

Note: C/O ALLOCATION TO DEPTS

| | | | |
|----------------------|---------------------|------------------------|--------------------|
| <i>200 Treasurer</i> | | | |
| 02003 | Treasurer Fringes | 262 | 0 |
| 0200D | Treasurer Full Time | 1,698 | 0 |
| MEMO TOTAL | | <u><u>\$ 1,960</u></u> | <u><u>\$ -</u></u> |

Note: C/O ALLOCATION TO DEPTS

| | | <u>Increase</u> | <u>Decrease</u> |
|--------------------------|-------------------------------|-------------------------|--------------------|
| 500 | <i>Clerk of Courts</i> | | |
| 05003 | Clerk Common Pleas Ct Fringes | 1,391 | 0 |
| 0500M | Clerk Common Pleas C Overtime | 9,000 | 0 |
| 05023 | Clerk-Civil/Criminal Fringes | 1,699 | 0 |
| 05025 | Clerk-Civil/Criminal MS | 4,830 | 0 |
| 0502M | Clerk-Civil/Criminal Overtime | 11,000 | 0 |
| <i>MEMO TOTAL</i> | | <u><u>\$ 27,920</u></u> | <u><u>\$ -</u></u> |

Note: C/O ALLOCATION TO DEPTS

| | | | |
|--------------------------|-------------------------------------|-------------------------|--------------------|
| 915 | <i>Data Processing Board</i> | | |
| 09154 | Data Processing Bd CS | 65,000 | 0 |
| <i>MEMO TOTAL</i> | | <u><u>\$ 65,000</u></u> | <u><u>\$ -</u></u> |

Note: C/O ALLOCATION TO DEPTS

| | | |
|---|----------------------------|--------------------|
| <i>TOTAL MEMO BALANCE ALL AMENDMENTS</i> | <u><u>\$ 3,450,199</u></u> | <u><u>\$ -</u></u> |
|---|----------------------------|--------------------|

and be it further,

RESOLVED, that a certified copy of this resolution be filed with the County Auditor, and be it further,

RESOLVED, that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll call as Follows:

Christopher Smeiles, Yea;

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

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RESOLUTION No. 08-0144

RE: AMENDMENT TO THE NON GENERAL FUND
2008 ANNUAL APPROPRIATION RESOLUTION
NO. 07-1209 ADOPTED DECEMBER 18, 2007

It was moved by Maureen T. Frederick, second by Charles W. Keiper II that the following resolution be adopted:

RESOLVED, that it has become necessary to amend the Non General Fund 2008 Annual Appropriation in the amounts and for the purposes set forth in the enumeration shown below,

| | | <i>Increase</i> | <i>Decrease</i> |
|--------------|--|-------------------------|--------------------|
| | | <hr/> | <hr/> |
| Fund: | 1006 Comp Legal Research Muni Crt | | |
| | <i>520 Municipal Court</i> | | |
| | 10066 Comp Lgl Res-Muni CO | 20,000 | 0 |
| | <i>MEMO TOTAL</i> | <u><u>\$ 20,000</u></u> | <u><u>\$ -</u></u> |

Note: Upgrade courtroom equipment

| | | | |
|--------------|-----------------------------|------------------------|--------------------|
| Fund: | 1122 Adult Probation | | |
| | <i>590 Adult Probation</i> | | |
| | 11224 Adult Probation CS | 2,322 | 0 |
| | <i>MEMO TOTAL</i> | <u><u>\$ 2,322</u></u> | <u><u>\$ -</u></u> |

Note: Return unspent funds to Grantor

| | | | |
|--------------|----------------------------------|--------------------------|--------------------|
| Fund: | 1251 CDBG County Formula | | |
| | <i>081 Community Development</i> | | |
| | 12514 CDBG Conty Formula CS | 151,933 | 0 |
| | <i>MEMO TOTAL</i> | <u><u>\$ 151,933</u></u> | <u><u>\$ -</u></u> |

Note: Appropriate add'l certification

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| | | <u>Increase</u> | <u>Decrease</u> |
|------------------------------------|---------------------|-------------------|-----------------|
| Fund: 8101 Unclaimed Monies | | | |
| 100 Auditor | | | |
| 81014 | Unclaimed Monies CS | 103,796 | 0 |
| MEMO TOTAL | | <u>\$ 103,796</u> | <u>\$ -</u> |

Note: To pay 2000-01 monies to Comm

| | | |
|---|-------------------|-------------|
| TOTAL MEMO BALANCE FOR ALL FUNDS | <u>\$ 278,051</u> | <u>\$ -</u> |
|---|-------------------|-------------|

and be it further,

RESOLVED, that a certified copy of this resolution be filed with the County Auditor, and be it further,

RESOLVED, that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll call as Follows:

| | | |
|---------------------------|----------------------------|----------------------------|
| Christopher Smeiles, Yea; | Charles W. Keiper II, Yea; | Maureen T. Frederick, Yea; |
| * | * | * |

RESOLUTION No. 08-0145 - RE: ENTER INTO REAL ESTATE LEASE AGREEMENT WITH HOME SAVINGS BANK FOR 100 EAST MAIN ST., RAVENNA, OH.

It was moved by Maureen T. Frederick, seconded by Charles W. Keiper II that the following resolution be adopted:

WHEREAS, the Board of Commissioners wishes to lease real estate property situated in the City of Ravenna, known for street numbering purposes as 100 East Main Street, Ravenna, Ohio (consisting of approximately 1,700 square feet); and

WHEREAS, Home Savings Bank has an interest in leasing said property; now therefore be it

RESOLVED, that the Board of Portage County Commissioners does hereby agree to enter into a Lease Agreement for the property listed above with Home Savings Bank for an initial term of ten (10) years, beginning on the Commencement date as stipulated in the lease agreement; and be it further

RESOLVED, that the rent shall be paid in equal monthly installments of One thousand eight hundred forty one and 66/100 dollars (\$1,841.66) during the first five years of the lease period; year six at the rate of one thousand eight hundred seventy-eight and 49/100 dollars (\$1,878.49) per month; year seven One thousand nine hundred fifteen and 32/100 (\$1,915.32); year eight One thousand nine hundred fifty-two and 15/100 dollars (1,952.15); year nine One thousand nine hundred eighty-eight and 89/100 dollars; and year ten Two thousand twenty-five and 82/100 dollars (\$2,025.82). All rents are payable on the first day of each month and are delinquent after the fifteenth (15th) of the months at which time a ten percent (10%) penalty will be added; and be it further

RESOLVED, that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Voice vote as follows:

Christopher Smeiles, Yea;

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

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RESOLUTION No. 08-0146

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RE:

ADOPT PUBLIC RECORDS POLICY FOR USE BY PORTAGE COUNTY COMMISSIONERS' DEPARTMENTS AND AUTHORIZE ADDITION OF POLICY TO THE COMMISSIONERS' PERSONNEL POLICY MANUAL

It was moved by Maureen T. Frederick, seconded by Charles W. Keiper II that the following resolution be adopted:

RESOLVED, the Portage County Board of Commissioners adopts a Public Records Policy in accordance with the requirements of Ohio House Bill No. 9, mandating that each public office have a public records policy located: (1) at every location in which the public may access the public office's records; (2) in the public office's policies and procedures manual; and (3) with each of the public office's records custodians; and be it further

RESOLVED, that the Commissioners' Departments (Clerk of the Board, Department of Budget & Financial Management, Executive Assistant, General Services (including the Building Department, Building Maintenance, Building Security, Dog Warden, Office of Homeland Security & Emergency Management, Senior Center and the WIC program), Human Resources Department, Internal Auditor, Internal Services (including the Mail Room, Microfilm/Records, Motor Pool, Print Shop and Purchasing Department), Department of Job & Family Services, Department of Economic Development, The Woodlands at

Robinson (Portage County Nursing Home) and the Water Resources Department shall use this policy to maintain and administer their records; and be it further

RESOLVED, that the Commissioners' Personnel Policy Manual adopted by the Board of Commissioners by Resolution 03-0340, effective July 1, 2003, is amended to incorporate this policy, as recommended by the Portage County Prosecutor's Office; and be it further

RESOLVED, that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Voice vote as follows:

Maureen T. Frederick, Yea; Christopher Smeiles, Yea; Charles W. Keiper, Yea;

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**PORTAGE COUNTY BOARD OF COMMISSIONERS
PUBLIC RECORDS POLICY**

The Portage County Board of Commissioners has under its purview the following departments. The department location and contact telephone number is listed, as well.

| Department | Contact | Address | Phone |
|--|----------------|--|----------------|
| Clerk | Clerk | 449 S. Meridian St. Ravenna, Ohio 44266 | (330) 297-3600 |
| Department of Budget & Financial Management | Director | 449 S. Meridian St. Ravenna, Ohio 44266 | (330) 298-3034 |
| Executive Assistant | Director | 449 S. Meridian St. Ravenna, Ohio 44266 | (330) 297-3603 |
| General Services | Director | 449 S. Meridian St. Ravenna, Ohio 44266 | (330) 297-3608 |
| Building Department | Director | Same As Above | (330) 297-3530 |
| Building Maintenance Department | Director | Same As Above | (330) 297-3501 |
| Building Security Department | Director | Same As Above | (330) 297-3504 |
| Dog Warden | Director | 8116 Infirmiry Rd. Ravenna, Ohio 44266 | (330) 297-6924 |
| Office of Homeland Security & Emergency Management | Director | 8240 Infirmiry Rd. Ravenna, Ohio 44266 | (330) 297-3607 |
| Senior Center | Director | 703 Oakwood St. Ravenna, Ohio 44266 | (330) 297-3456 |
| WIC | Director | 449 S. Meridian St. Ravenna, Ohio 44266 | (330) 297-3699 |
| Human Resources Department | Director | 449 S. Meridian St. Ravenna, Ohio 44266 | (330) 297-4544 |
| Internal Auditor | Director | 449 S. Meridian St. Ravenna, Ohio 44266 | (330) 298-2105 |

| | | | |
|--|---------------|--|----------------|
| Internal Services | Director | 449 S. Meridian St. Ravenna, Ohio 44266 | (330) 297-3611 |
| Mail Room | | Same As Above | (330) 297-3612 |
| Microfilm/Records | Director | 7855 Infirmary Rd. Ravenna, Ohio 44266 | (330) 297-3849 |
| Motor Pool | Director | 3480 St. Rte. 59 Ravenna, Ohio 44266 | (330) 297-3409 |
| Print Shop | | 449 S. Meridian St. Ravenna, Ohio 44266 | (330) 297-3425 |
| Purchasing Department | | Same As Above | (330) 297-3612 |
| Department of Job & Family Services | Director | 449 S. Meridian St. Ravenna, Ohio 44266 | (330) 297-3750 |
| Office of Economic Development | Director | 128 N. Prospect St. Ravenna, OH 44266 | (330) 297-3470 |
| The Woodlands at Robinson (Nursing Home) | Administrator | 6831 N. Chestnut St. Ravenna, OH 44266 | (330) 297-4564 |
| Water Resources Department | Director | 449 S. Meridian St. Ravenna, Ohio 44266 | (330) 297-3670 |

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This policy is not intended to be legal advice. The policy contains a general template for addressing the requirements imposed by House Bill No. 9 mandating that each public office have a public records policy located: (1) at every location in which the public may access the public office's records; (2) in the public office's policies and procedures manual; and (3) with each of the public office's records custodians. The policy does not include legal authority for denying specific public records requests. Incorporation of these types of disclosure exemptions should be reviewed by legal counsel before implementation.

Additionally, the template provided requires further explanation in order to make the policy administratively and operationally effective for a public office.

I. Purpose:

The Portage County Board of Commissioners acknowledges that it maintains many records that are used in the administration and operation of its Departments. In accordance with state law and the Portage County Records Commission, the Portage County Board of Commissioners has adopted Schedules of Records Retention and Disposition (RC-2) that identify these records. These schedules identify records that are stored on a fixed medium (paper, computer, film, etc.) that are created, received, or sent under the jurisdiction of the Portage County Board of Commissioners and document the organization, functions, policies, decisions, procedures, operations, or other activities of the Commissioners' office. (R.C. 149.011(G); R.C. 149.43(A)(1)). The records maintained by the Commissioners' office and the ability to access them are a means to provide trust between the public and the Commissioners' Departments.

II. Scope:

- A. Each office, department or function that maintains records has a designated employee who serves as the custodian of all records maintained by the office, department or function.
 - 1. Each record custodian has a copy of the Board of Commissioners' public records policy. (R.C. 149.43(E)(2)).

- B. The Board of Commissioners' public record policy, as well as, the Portage County Schedule of Records Retention and Disposition (RC-2) (Board of Commissioners and General Records of the Board of Commissioners) are located at every location in which the public may access the Board of Commissioners' records.
- C. The Board of Commissioners' public records policy is located in the Board of Commissioners' policies and procedures manual.
- D. The Commissioners' Departments will display a poster which generally describes the Board of Commissioners' public records policy at every location in which the public may access the Commissioners' Departmental records.

III. Fees:

- A. The Portage County Board of Commissioners, in accordance with Section 149.43 of the Revised Code, has established the following fees for provided copies or reproductions of public records maintained by the Commissioners' Departments.
 - 1. For photocopies of either letter or legal size documents, the fees shall be five cents (5 cents) per photocopy, with the first five (5) copies free of charge. Advance payment is required before any copies are prepared. Two sided photocopies shall be charged at a rate of five cents (5 cents) per sheet.
 - 2. For video tapes, CD's, cassette tapes or for any other type of media, the fee shall be the replacement cost or the reproduction (copying) cost. Reproduction costs may only be charged if a commercial or professional service is contracted to provide the copy.
 - 3. Established costs/fees under this policy shall be clearly posted and visible for the public at all locations authorized to provide copies of public records.

IV. Availability

Inspection

- A. All public records maintained by the Board of Commissioners' Departments shall be promptly prepared and made available for inspection to any person during regular business hours as well as a copy of the Portage County current records retention schedule(s). (R.C. 14943.(B)(1)). (Promptness is to be determined by the facts and circumstances of each public records request). Regular business hours for the Commissioners' Office are Monday through Friday (except holidays), from 8:00 AM to 4:30 PM.
- B. For the purpose of enhancing the ability of the Commissioners' Departments to identify, provide for prompt inspection as well as, provide copies of the requested items in a reasonable period of time, the Commissioners' Office shall provide to the requester the Commissioners' *Public Records Request* form to the requester to complete.
 - 1. Prompt inspection and copies of records within a reasonable amount of time contemplates the opportunity for legal review.

2. Although the Commissioners' Departments may ask the requestor to make the request in writing, for the requestor's identity, and may inquire about the intended use of the information requested, the requestor shall be advised that:
 - a. The requests are not mandatory; and
 - b. The requestor's refusal to complete the Commissioners' *Public Records Request* form does not impair the requestor's right to inspect and/or receive copies of the public record. (R.C. 149.42(B)(5)).
 3. Any person, including corporations, individuals, and even governmental agencies, may request public records, and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.
- C. In the event a request is made to inspect and/or obtain a copy of a record maintained by the Commissioners' Departments whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to legal counsel for the Department for research and/or review. The person submitting the request shall be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempted information is not improperly released by the Board of Commissioners.
- D. Records, whose release is prohibited or exempted by either state or federal law, or not considered public records as defined by R.C. 149.43(A)(1), shall NOT be subject to public inspection. The following represents a partial list of records maintained by the Portage County Board of Commissioners that may not be inspected or copied.
1. Portage County Board of Commissioners' Departmental known records which are exempt from disclosure.

Public Records Request

- A. Mailed Requests for Public Records:
1. Upon receiving a written request for copies of a public record made in accordance with section 149.43 of the Ohio Revised Code via the United States Postal Service, the Commissioners' Departments shall promptly respond to the request.
 2. An authorized employer of the Department shall, by any means practical, contact the requestor and advise them that advance payment is required prior to providing copies of public records, and in addition the fee shall also include the cost of postage and the envelope. (R.C. 149.43(B)(7)).
 3. When practical, the Board of Commissioners' Departments may forward copied records by any other means reasonably acceptable to the requestor.
 - a. If a person requests a copy of a public record, the Commissioners' Departments shall permit the requestor to choose to have the public record duplicated on paper or upon the same medium upon which the Department maintains the public record or upon any other medium on which the record can reasonably be

duplicated as an integral part of the normal operations of the Department, or the responsible Commissioners' employee for the public record. (R.C. 149.43(B)(6)(7)).

- b. Persons seeking copies of public records are not permitted to make their own copies of the requested records by any means. R.C. 149.43(B)(6)).
 4. In accordance with section 149.43(B)(7) of the Ohio Revised Code, the Portage County Board of Commissioners limits the number of requested public records, to be transmitted through the U.S. Mail, to a maximum of ten records per month, unless the requestor certifies that the records or information in them will not be used for commercial purposes.
 - a. "Commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.
 5. Authorized Commissioners' Departmental employees shall comply with the following procedures upon receiving a valid public record request through the United States Postal System:
 - a. Commissioners Departmental employees shall promptly process requests.
 - b. Requestors shall be charged the postage fees and the cost of the envelope required to properly send the requested records through the mail.
- B. Written or verbal requests for copies made by the public records requestor or their designee shall be processed in the same manner as mailed requests.

Response and Denials

- A. Requests for inspection and/or copies of public records, which are not maintained by the Commissioners' Departments shall be processed in the following manner:
 1. If the Department receives a request for a record that it does not maintain or the request is for a record which is no longer maintained, the requestor shall be so notified in writing utilizing the Commissioners' *Public Records Request* form that one of the following applies:
 - a. Their request involves records that have never been maintained by the Department;
 - b. Their request involves records that are no longer maintained or have been disposed of or transferred pursuant to applicable Portage County Schedules of Record Retention and Disposition (RC-2);

- c. Their request involves a record that has been disposed of pursuant to an Application of the One-time Records Disposal (RC-1);
- d. If the record that is requested is not a record used or maintained by the Department, the requestor shall be notified that in accordance with Ohio Revised Code Section 149.40, that the Department is under no obligation to create records to meet public record requests.

B. Ambiguous or Overly Broad Request for Public Records

If a requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the Department responsible for the requested public record cannot reasonably identify what public records are being requested.

1. The Board of Commissioners may deny the request.
2. However, the Board of Commissioners shall provide the requestor with an opportunity to revise the request by informing the requestor of the manner in which records are maintained by the Commissioners' Office in the ordinary course of business. (R.C. 149.43(B)(2)).

C. Denial of a Record Maintained by the Portage County Board of Commissioners.

The Commissioners may deny a request for a record maintained by the Commissioners' Departments if:

1. The record that is requested is prohibited from release due to applicable state or federal law.
 - a. Employees of the Portage County Board of Commissioners shall consult legal counsel if they are unsure of whether the record requested should be withheld from disclosure.
 - i. Employees may check the appropriate box on the Commissioners' *Public Records Request* form if they are simply applying the statutory exclusion.
 - ii. Otherwise, legal counsel will respond with the legal authority for a denial.
2. As governed by R.C. 149.43(B)(3), if a request is ultimately denied, in part or in whole, the Portage County Board of Commissioners shall provide the requestor with an explanation, including legal authority, setting forth why the request was denied.
 - a. If the initial request was provided in writing then the explanation shall also be provided in writing.
 - b. The explanation shall not preclude the Portage County Board of Commissioners from relying upon additional reasons or legal authority in defending an action commenced pursuant to R.C. 149.43.

D. Redacting Exempted Records/Procedure

1. “Redaction” means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a “record” in section 149.011 of the Ohio Revised Code (R.C. 149.43)(A)(11));
 - a. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction. (R.C. 149.43(B)(1)).
 - b. If a request is ultimately denied, in part or in whole, the Board of Commissioners shall provide the requestor with an explanation, including legal authority, setting forth why the request was denied. (R.C. 149.43(B)(3)).
2. If a public record contains certain information that is exempt from the duty to permit public inspection or to copy the public record, the Board of Commissioners shall make available all of the information within the public record that is not exempt.
3. When making that public record available for public inspection or copying that public record, the Board of Commissioners shall notify the requestor of any redaction or make the redaction plainly visible. (R.C. 149.43(B)(1)).
4. The releasing employee shall then reproduce a copy of the page with the redactions; the resulting copy shall be the page that is released to the requester.
5. The first reproduction page with the original redactions made by the employee is the work sheet. It shall be attached to the original record, and maintained in accordance with the retention period established for the original document.

Remedy

A. Grievances

1. If a person allegedly is aggrieved due to the inability to inspect a public record or due to the inability to receive a copy of the public record, the person shall be advised that they may:
 - a. Contact the Commissioners’ Departmental designee as listed in the department chart in the front of this policy.
 - b. If the person is not satisfied after contacting the departmental designee, they shall be advised that Ohio Revised Code section 149.43 provides a legal means for addressing their complaint in these disputes. (R.C. 149.43(C)(1)(2)).

V. Training and Education

The Portage County Board of Commissioners’ office continues to update and address all education, training, disclosure and policy requirements mandated by R.C. 109.43 and R.C. 149.43(E)(1)(2).

PUBLIC RECORDS REQUEST

Portage County is dedicated to providing the highest quality of customer service in accordance with Ohio's Public Records Act. *Your request is not required to be in writing, nor is it required that your name or intended use of the requested records be disclosed.* The information contained on this form is solely intended to enhance our ability to respond to your request in a timely and reasonable manner. Our office is under no obligation to create records to meet public record requests, but will prepare and make available those records which do comply with your request. If we cannot reasonably identify what public records you are requesting, you may revise your request and we will explain to you the manner in which the office's records are maintained

To be completed by employee if not completed by the requester based on nature of the request.

| | | |
|---|---------------------------|---------------------|
| <i>Name of Requester*</i> | | <i>Today's Date</i> |
| <i>Street Address</i> | <i>City, State, ZIP</i> | |
| Phone Numbers (please indicate cell, land line or pager) | <i>E-mail Address</i> | |
| <p>INFORMATION REQUESTED: <i>Please be specific.</i> Records sought must be identified with sufficient clarity in order to allow this office to identify, retrieve and review the records. The records custodian is available to assist by advising you of the manner in which records are kept.</p> <p><i>Please Print.</i></p> <p>Type of Record Requested _____ Relevant Date(s) _____</p> <p>Description</p> <p>_____</p> <p>_____</p> <p>_____</p> | | |
| For additional space, please use the reverse side of this form. | | |
| COMPLETED RESPONSE | | |
| <p><i>Date Requester Notified</i> _____ <i>By:</i> _____ <i>Via:</i> _____</p> <p style="text-align: center;">(Employee) (Phone #, mail, e-mail)</p> <p>Date Response Mailed, Picked Up or Inspected (Circle one) _____</p> <p>Total Cost \$ _____ including actual postage cost of \$ _____</p> | | |
| <p>Number of copies requested _____ @ \$.05 Per Page</p> <p style="text-align: center;">First Five (5) Copies are Free of Charge</p> | Total fee \$ _____ | |
| Copies of other materials _____ @ _____ | Total fee \$ _____ | |

Record(s) not available:

Record has never been maintained by the County

Record is no longer maintained or has been disposed of or transferred pursuant duly enacted record retention policies

Record(s) contained non-releasable material that has been visibly redacted in accordance with State or Federal Law

Record is prohibited from release due to the following State or Federal Law:

- Peace officer, firefighter, EMT, employee residential and familial information or photographs**
O.R.C. §149.43(A)(1)(p); State ex rel. Plain Dealer Publishing Company v. Cleveland, 106 Ohio St.3d 70; State ex rel. Dispatch Printing Company v. Johnson, 106 Ohio St.3d 160
- Social Security Numbers**
5 U.S.C.A. §552a; State ex rel. Beacon Journal Publ. Co. v. City of Akron (1994), 70 Ohio St.3d 605
- Medical Records**
O.R.C. §149.43(A)(1)(a) and (A)(3)
- Trial Preparation Records**
O.R.C. §149.43(A)(1)(g) and (A)(4)
- Confidential Law Enforcement Investigatory Records**
O.R.C. §149.43(A)(1)(h) and (A)(2)
- Records Concerning Recreational Activities of People Under Age 18**
O.R.C. §149.43(A)(1)(r); State ex. Rel. McCleary v. Roberts (2000), 88 Ohio St.3d 365
- Trade Secrets**
O.R.C. §122.36; O.R.C. §1333.61(D)
- Tax Information**
O.R.C. §5703.21(A), §5709.081(D), §5711.10, §5711.101, §5715.49, §5715.50, §5747.18(C)
- Attorney-Client Privilege**
O.R.C. §2317.02
- State or Federal Privacy Requirements**
State of Ohio Constitution; United States Constitution

Portage County Board of Commissioners
PUBLIC RECORDS POLICY POSTER

THE COMPLETE POLICY AND ANY PUBLIC RECORDS MAY BE OBTAINED AS
FOLLOWS:

CONTACT PERSON: Deborah Mazanec, Clerk
LOCATION: Portage County Board of Commissioners
CONTACT TIMES: 8:00 AM – 4:30 PM
COST: Records may be inspected without cost

**Paper copies are five (5) cents per page (1st five pages are free),
unless a specific fee is otherwise established by law.**

Copies in other medium are charged at actual cost.

Payment for copies must be made in advance. Correct change or Checks made payable to Portage County Treasurer. Once payment is made and copies are ready, the documents will be released.

AVAILABILITY: Records will be made available promptly and within a reasonable time to allow exempt information to be redacted in accordance with Ohio Revised Code 149.43.

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RESOLUTIONS

February 12, 2008

- 1. Approval of Meeting Minutes from the February 7, 2008 regular Board Meeting as presented.
- 2. Approve the Bills as presented by the County Auditor and reviewed by the Internal Auditor./08-138
- 3. Approve the Journal Vouchers as presented by the County Auditor./08-139
- 4. Approve the Then & Now as presented by the Portage County Auditor./08-140
- 5. Authorize the application and accept the FY07 supplemental Emergency Management Performance Grant (EMPG) on behalf of the Portage County Office of Homeland Security & Emergency Management. Document reviewed by Carol Kurtz, Internal Auditor with no exceptions noted. /08-141
- 6. Authorize the acquisition of one (1) highway easement and one (1) slope easement and authorize the issuance of county warrants to acquire said right of way to allow for the construction of the Coit Road (SHA 141 TH 210B) Bridge Replacement project in Shalersville Township, Portage County (County Engineer)./08-142
- 7. Resolution to enter into a lease agreement with Home Savings Bank/08-0145

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INVITATIONS/MEETING NOTICES

February 12, 2008

- 1. Mental Health & Recovery Board meeting Monday, February 11, 2008, 6:30 PM at Townhall II, Kent.
- 2. Grand Opening Celebration of Well Within Health Center, 9292 Market Sq., Streetsboro, Thursday, February 28, 2008, 11:30 AM-1:-00 PM.

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INCOMING CORRESPONDENCE

DISCUSSION

February 12, 2008

- 1. Public Records policy/08-0145
- 2. February 5, 2008 correspondence from Dave Vaughan, Neighborhood Development Services Inc., indicating Neighborhood Development Services Inc. will be the general partner of a residential rental development located in or within one-half mile radius of Portage County’s jurisdiction. (Project Address 4263 Sabin Drive, Rootstown, OH 44272). Statement of disapproval or objection must be submitted within 30 days of receipt of this notice/Journal Entry receipt.
- 3. February 7, 2008 e-mail from Brian Kelley, ITS, regarding the MUNIS bond/Clerk to draft a letter.
- 4. February 4, 2008 e-mail from Commissioner Frederick to Kerry Macomber, regarding brick purchases/Forward to Kerry Macomber for investigation.
- 5. February 5, 2008 correspondence from Steven Bosso, Ravenna Township Fire Department Chief, requesting an appointment with the Board regarding political office/Commissioner Frederick will meet.

6. December 10, 2007 correspondence from Barb Petroski, Portage County Chapter of The Ohio Genealogical Society, requesting a tour of the Microfilming Department, on Saturday, April 19, 2008 from 10:00 AM-12:00 PM. Does the Board wish to request Certificate of Insurance and \$ 1.00 fee/Journal Entry
7. Board of Commissioners' authorization requested to set dates and times for the presentations to the Board and for the public hearing on the 2008 Formula Allocation Grant applications/Clerk to schedule these dates and times.
8. January 29, 2008 correspondence from the Ohio Commission on Dispute Resolution and Conflict Management, regarding nomination to represent the County Commissioners' Association of Ohio at the Conflict Resolution Services for Government Officials Advanced Practice Skills Workshop on Friday, April 11, 2008./Registration forms must be completed no later than Thursday, February 14, 2008/Board of Commissioners not interested in attending.

JOURNAL ENTRIES

February 12, 2008

1. Board of Commissioners' authorization requested to allow Director Jon Barber, Office of Homeland Security and Emergency Management to apply for consideration of funding to US Representative Tim Ryan's office for Portage County 700mhz Interoperability grant. Documents reviewed by Carol Kurtz, Internal Auditor noting the request appears to be proper and appropriately authorized.
2. Board of Commissioners' authorization requested to pay the one-year subscription renewal for the Aurora Advocate for \$ 42.00. Current subscription will expire on February 23, 2008.
3. Board of Commissioners' authorization requested to pay Invoice No. 29674 dated February 6, 2008 for professional services rendered for the Building Department's General Labor matters during January 2008 \$ 869.50 as presented by Johnson Miller & Schmitz, LLP.
4. Board of Commissioners' received a copy of the 2008 Local Emergency Planning Committee SERC Grant approved and signed by Bob Walker, Vice President of the Local Emergency Planning Committee.

REFERRED

February 12, 2008

1. February 4, 2008 memo from Judge Oswick, Municipal Court, regarding a budget request/Forwarded to Department of Budget and Financial Management for their next agenda/Journal Entry.
2. The Board of Commissioners received the February 6, 2008 on-line survey comments from Robert Bryant regarding child support./Forwarded to Anita Herington for a response.
3. February 5, 2008 correspondence from Robert Fankhauser, Adult Probation, requesting an operating transfer for \$ 3,332.04 in order to address a shortage which occurred during the transition from the old accounting system to MUNIS during Fiscal Year 2004/Forwarded to Department of Budget and Financial Management/Journal Entry.
4. February 8, 2008 correspondence from Shirley Schuster, regarding the Robinson Memorial Hospital Board of Trustee position/Hold for the March 3, 2008 Agenda.

INFORMATION ONLY

February 12, 2008

1. The Board of Commissioners received the One Way Farm newsletter for February 2008.
2. February 1, 2008 correspondence from Michael Hiler, Ohio Department of Development, including a notice of project specific release of funds respecting environmental grant conditions for Grant No. B-F-07-062-1. (cc: Regional Planning Commission).
3. The Board of Commissioners received the February 2008 newsletter from the League of Women Voters.
4. January 30, 2008 correspondence from Michael Hiler, Ohio Department of Development, regarding the Monitoring Visit for Grant Nos. B-C-05-062-1, B-C-05-062-2 & C-05-062-1/No findings/corrective actions were noted. (cc: Neighborhood Development Services Inc.).
5. February 7, 2008 e-mail from John Drew, PARTA, in response to a complaint from Joseph Jedlinsky regarding bad service.
6. The Board of Commissioners received the Portage JFS Open Lines newsletter for January/February 2008.
7. February 8, 2008 e-mail from Amanda Jones, County Commissioners' Association of Ohio, regarding excerpts from the CIDS & Statehouse Reports 2-8-2008 (HB 192, 376 & SB 209).

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Journal Entry

February 12, 2008

Motion by Maureen T. Frederick, seconded by Charles W. Keiper II to approve the following actions:

1. The Board of Commissioners authorized Director Jon Barber, Office of Homeland Security and Emergency Management, to send a pre-application for consideration of funding for a Portage County 700mhz Interoperability Grant to U.S. Representative Tim Ryan. Documents reviewed by Carol Kurtz, Internal Auditor noting the request appears to be proper and appropriately authorized.
2. The Board of Commissioners authorized payment of the one-year subscription renewal for the Aurora Advocate at a cost of \$42.00. The Board of Commissioners noted that the current subscription will expire on February 23, 2008.
3. The Board of Commissioners authorized payment of Invoice No. 29674 dated February 6, 2008 for professional services rendered for the Building Department's General Labor matters during January 2008 in the amount of \$869.50, as presented by Johnson Miller & Schmitz, LLP.
4. The Board of Commissioners acknowledged the receipt of the 2008 Local Emergency Planning Committee SERC Grant approved and signed by Bob Walker, Vice President of the Local Emergency Planning Committee (LEPC). The Board of Commissioners noted that there is no General Fund local match related to this grant and no impact to the General Fund.
5. The Board of Commissioners acknowledged the receipt of the February 5, 2008 correspondence from David Vaughan, Executive Director of the Neighborhood Development Services Inc., advising that the

Neighborhood Development Services Inc. will be the general partner of a residential rental development located in or within one-half mile radius of Portage County's jurisdiction. The project address is 4263 Sabin Drive, Rootstown, OH 44272. Statement of disapproval or objection must be submitted within 30 days of receipt of this notice.

6. The Board of Commissioners accepted the recommendation of Department of Budget & Financial Management Director Audrey Tillis and approved an operating transfer of \$3,332.04 in order to address a shortage which occurred during the transition from the old accounting system to MUNIS during Fiscal Year 2004, as requested in a February 5, 2008 correspondence from Robert Fankhauser, Adult Probation.
7. The Board of Commissioners accepted the recommendation of Department of Budget & Financial Management Director Audrey Tillis and authorized a supplemental adjustment for the Municipal Court for funding to cover the training of the new employee as the Court Administrator and coverage while that employee is on maternity leave this summer.
8. The Board of Commissioners signed the Request for Use of County Facility Form as requested by Barb Petroski, Portage County Chapter of The Ohio Genealogical Society, authorizing a tour of the Portage County Records Center on Saturday, April 19, 2008 from 10:00 AM-12:00 PM. Microfilm Director Frank Whitney will conduct the tour. The Board of Commissioners waived the requirement for a Certificate of Insurance and the \$1.00 fee. Forward to the Purchasing Department.
9. The Board of Commissioners signed the Application and Certificate for Final Payment to the Northeast Ohio Trenching Service Inc. of Warrensville Hts., Ohio for the final payment of \$24,767.78 for the Ravenna-Rootstown PS Upgrade in Ravenna Township, as presented by the Portage County Water Resources Department.

All in favor, motion carries.

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We do hereby certify that the foregoing is a true and correct record of the Portage County Board of Commissioners' meeting on **February 12, 2008**. There being no further business to come before the Board, it was moved by Maureen T. Frederick, seconded by Charles W. Keiper II to adjourn the official meeting at **10:43 PM**. All in favor, motion carries.

Christopher Smeiles, President

Charles W. Keiper II, Vice President

Maureen T. Frederick, Board Member

Deborah Mazanec, Clerk

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