

Tuesday, September 16, 2008

The Board of County Commissioners met in regular session on **Tuesday, September 16, 2008 at 9:15 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 September 11, 2008 meeting. All in favor, motion carries

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

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Commissioner Smeiles noted that Nursing Home Administrator Steve Eva reports that there are five state surveyors at The Woodlands for the annual survey.

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EXECUTIVE ASSISTANT

Present: Charlene Badger

The Executive Assistant advised that Portage County United Way is proposing to sell shirts with the Portage County logo with any profit going to the United Way. The Board of Commissioners agreed that that would be appropriate/Journal Entry.

The Board of Commissioners agreed that Commissioner Smeiles should send a letter out to all Portage County mailboxes notifying employees that there is a September 17th deadline for participation in the United Way Campaign.

The Executive Assistant discussed the proposed November 11, 2008 Veterans Memorial Ceremony. Charlene Badger has talked to Bob Park about a possible program, who noted that most local communities hold their own ceremonies. The Board of Commissioners agreed to host an 11:00 AM ceremony on a smaller scale than the 2007 Dedication Ceremony. The Board of Commissioners agreed to invite Army National Guard General Payton to speak at this event.

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SQUIRE, SANDERS & DEMPSEY

Present: Attorney Mike Sharb, County Auditor Janet Esposito, DBFM Director Audrey Tillis

\$8,300,000 Portage County Various Purpose Notes, Series 2008

The County Auditor signed the Fiscal Officer's Certificates for the following four issuances.

1. Resolution providing for the issuance and sale of \$ 4,250,000 of notes, in anticipation of the issuance of bonds, to pay costs of constructing, improving, furnishing and equipping buildings and structures housing County offices and functions, including the functions of the County Prosecutor./08-935

2. Resolution providing for the issuance and sale of \$ 1,900,000 of notes, in anticipation of the issuance of bonds, to pay costs of improving Portage County regional sewer district by constructing project no. RA-3 (05-020), State Route 44 vacuum sewer installation./08-936
3. Resolution providing for the issuance and sale of \$ 1,650,000 of notes, in anticipation of the issuance of bonds, to pay costs of improving Portage County regional sewer district by constructing project no. SH-W (06-290), Cleveland to Aurora Water Line, Phase I./08-937
4. Resolution providing for the issuance and sale of \$ 500,000 of notes, in anticipation of the issuance of bonds, to pay costs of acquiring vehicles and related equipment for use by the County Solid Waste Management District./08-938

Attorney Mike Sharb advised the Board of Commissioners that the bids will go out on September 18th, the signing will be here on September 25th and the closing is scheduled for October 2nd.

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PROSECUTOR

Present: Denise Smith, Tommie Marsilio

10:00 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Maureen T. Frederick**, seconded by **Charles W. Keiper II** that the Board of Commissioners move into executive session to conference with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. **Also present: Attorneys Denise Smith and Tommie Marsilio, Interim Human Resources Department Director Jim Manion, and JFS Fiscal Officer Teri Burns.** Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

10:23 AM Upon conclusion of the above referenced discussion, it was moved by **Maureen T. Frederick**, seconded by **Christopher Smeiles** that the Board of Commissioners moves out of executive session. Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

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

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Prosecutor's Correspondence

1. September 10, 2008 e-mail from Commissioner Frederick to Denise Smith, regarding poll workers/Information only.
2. September 10, 2008 e-mail from Commissioner Frederick regarding poll workers training notices/Information only
3. September 12, 2008 e-mail from Tommie Marsilio, including a draft resolution prohibiting pets and other non-service animals from entering County buildings/08-0943.
4. September 11, 2008 correspondence from Denise Smith to Michelle Ripley, Safety/Loss Coordinator, regarding Case No. 2008 CV 1442 Ebony and Marcellus Jackson at the Workforce Connection/Information only.

5. September 11, 2008 correspondence from Denise Smith to Ben Sutton, Edward H. Sutton Insurance Agency, regarding Ebony Jackson Case No. 2008 CV 1442/Information only.
6. September 12, 2008 e-mail from Tommie Marsilio, including a draft resolution encouraging individuals to serve selection officials by authorizing commissioners' department directors to excuse Portage County employees from normal duties on November 4, 2008/08-0944.

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COUNTY AUDITOR

Present: Janet Esposito, Denise Smith, Rebecca Ritterbeck, Maureen Bennett

Discussion regarding Fixed Assets

The County Auditor noted that her part-time employee Bill Reble doing a great job in loading the information, once an asset is identified. Ms. Bennett stated that they have tagged vehicles and equipment with a value of \$5000 or more for the MRDD, County Engineer, and the General Fund. They have identified county bridges, as well as current engineering projects in the construction phase. All of this has been entered into Munis.

Attorney Smith noted that there is a statutory requirement for a Fixed Asset Program.

The County Auditor noted that Enterprise Funds have not been looked at yet. Attorney Smith noted that the Board of Commissioners can decide to hire an outside agency to assist the Water Resources Department with their piece of the audit. Commissioner Frederick responded that the State Auditor has recommended the use of an outside auditor but the other issue is how to keep up with the Fixed Asset Program.

The County Auditor advised the Board of Commissioners that she has discussed how to keep up with Fixed Assets with the State Auditor, suggesting a one-third of the assets be looked at each year for a three year period. Denise Smith responded that the State Auditor needs to make a determination that that is acceptable. In theory, the State Auditor can decide not to clear the 2007 Audit without the completion of the Fixed Asset Program.

Commissioner Smeiles asked if the County Auditor and staff can continue to work on the Fixed Asset Program, since it looks like they are doing a good job. Rebecca Ritterbeck responded that the Board may want to hire outside auditors for the Water Resources Department.

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Commissioner Frederick advised the Board of Commissioners of a telephone call she received from Mrs. Defer of Streetsboro regarding the Singletary House. She is looking for funds to move the house from its current location. Grants Coordinator Dan Banks is sending Mrs. Defer a packet of information regarding historical preservation grant funding.

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DEPARTMENT OF BUDGET & FINANCIAL MANAGEMENT

Present: Audrey Tillis

Discussion of the Regional Planning Commission 2009 Budget.

Director Tillis provided a review of the Regional Planning Commission 2009 budget proposal, which would be an increase to the General Fund support of \$71,903 (\$33,104 for County dues, \$10,000 to prepare the Agricultural Easement Purchase Applications, and \$28,800 in CDBG Administration over and above what is

covered by the grant itself). Commissioner Smeiles noted that the County is paying the loan payment for the Regional Planning Commission building (\$33,000/year), which is not being repaid to the County by the Commission. The Director noted that one employee is retiring in 2009 and will not be replaced.

Commissioner Smeiles noted that Ohio law requires that the county have a Planning Commission. The good news is that we partner with the Townships in dues payment.

The Director noted that the General Fund is already short and covering these costs will cut into payments to other External Agencies. The Board of Commissioners will be able to discuss this request during their upcoming budget discussions.

Commissioner Smeiles has asked the Regional Planning Commission if the Director's position could be left vacant once she retires, at least for a time.

Commissioner Frederick stated that she understands that the Regional Planning Commission does need additional funding, but is the Board of Commissioners willing to cut other External Agencies to fund the Regional Planning Commission?

Commissioner Smeiles stated that he is OK with most of the Regional Planning Commission requests except the \$28,800 in CDBG Administration Building costs and the \$10,000 for the Agricultural Easement Allocation Program, which are issues for him. Perhaps Grants Administrator Dan Banks could be used for the Ag Easement Program instead/along with the Regional Planning Commission.

Commissioner Frederick added that she thinks the other External Agencies will be asking for increases as well.

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Resolutions

1. Transfer from Fund 0001, General Fund to Fund 4010, Prosecutor's Building/08-939
2. Transfer from Fund 5200, PCS General Administration to Fund 5312, PCS State Route 44 Vacuum/08-940

Other

3. Discussion Memos:
 - a. Auditor- Real Property – Replacement Printer/Journal Entry

Update

4. The Director presented the FY 2009 Targets
5. The Director presented the revised Travel Request for a Department of Budget & Finance employee

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Department of Homeland Security & Emergency Management Director Jon Barber attending to update the Board of Commissioners on the situation in Portage County due to the wind storms on Sunday, September 14th.

Director Barber is on his way to an assisted living PMHA complex off Freedom Street in Ravenna that has no power; the backup generator went out of service two hours ago. John Mason is at the site already, since PMHA has no back-up plan in place.

The Department of Homeland Security & Emergency Management is now gathering data regarding debris cleanup in the cities, villages and townships. Portage County may be able to submit to the federal government for reimbursement since the Governor declared the entire state a disaster area.

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Noon - Lunch Recess
1:10 PM Board of Commissioners reconvened

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HUMAN RESOURCES

Present: Jim Manion, Vickie Steiner

1:11 PM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Maureen T. Frederick**, seconded by **Charles W. Keiper II** that the Board of Commissioners move into executive session to consider employee benefits. **Also present: Interim Human Resources Department Director Jim Manion, Benefits Coordinator Vickie Steiner.** Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

1:25 PM Upon conclusion of the above referenced discussion, it was moved by **Maureen T. Frederick** , seconded by **Charles W. Keiper II** that the Board of Commissioners moves out of executive session. Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

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

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Willis of Ohio attending
Present: Jim Manion, Vickie Steiner, Chuck Rocco,

1:30 PM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Maureen T. Frederick**, seconded by **Charles W. Keiper II** that the Board of Commissioners move into executive session to consider employee benefits. **Also present: Interim Human Resources Department Director Jim Manion, Benefits Coordinator Vickie Steiner, Willis of Ohio Representatives Chuck Rocco and Doug Brown.** Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

Upon conclusion of the above referenced discussion, it was moved by **Maureen T. Frederick** , seconded by **Charles W. Keiper II** that the Board of Commissioners moves out of executive session. Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

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

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GENERAL SERVICES DIRECTOR

Present: Jim Manion

Mr. Manion attending to discuss parking issues in the lots at the Courthouse and new Prosecutor’s Office. The Board of Commissioners noted that they are aware of the need for additional downtown space for future parking needs.

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FAMILY & COMMUNITY SERVICES

Present: Sally Kelly, Jim Manion, Mark Frisone

Discussion of parking issues at the Senior Center, currently located in the Family & Community Services facility on Oakwood Street. How can the needs of the seniors be accommodated at the site?

Mr. Frisone noted that the facility is full and parking is at a premium. There is a large paved lot north of the Wahoo Ditch that is owned by White Rubber and he is discussing the purchase of that lot with White Rubber. A short term lease would not be in the F&CS best interest since he would have to spend \$12,000 to install a pedestrian bridge over the ditch. He would park employees in that lot.

Commissioner Keiper asked if CDBG funds can be used to increase parking?

As a short term solution, Mr. Frisone suggested that the seniors leaving tomorrow morning on a three day bus trip should park south and west of the facility in a 10 acre asphalt lot. Mr. Frisone will have staff on site a 6:00 AM tomorrow morning to direct the seniors to park in that rear lot. Sally Kelly will direct the busses to that area as well.

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RESOLUTION No. 08-0932 - RE: BILLS APPROVED AND CERTIFIED TO THE PORTAGE COUNTY AUDITOR FOR PAYMENT.

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

RESOLVED, that the bills were approved and certified to the County Auditor for payment, contingent upon the review of the Portage County Internal Auditor or other designee on September 16, 2008 in the total payment amount of **\$299,490.61 for Funds 0001-8391** as set forth in the Accounts Payable Warrant Report on file in the office of the Portage 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 vote as follows:

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

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RESOLUTION No. 08-0933 - 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:

09/15/08	587	\$ 87,025.52
09/15/08	586	109,747.42
09/15/08	585	498.75
09/15/08	588	11,697.50
09/15/08	567	772.21
Total		\$ 209,741.40

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. 08-0934 - RE: ACCEPTANCE OF THEN AND NOW CERTIFICATIONS FOR PAYMENT.

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

WHEREAS, Ohio Revised Code Section 5705.41 (D)(1) authorizes the expenditure of moneys, provided a certificate of the County Auditor is supplied stating that there was at the time of the making of such contract or order and at the time of the execution of such certificate a sufficient sum appropriated for the purpose of such contract and in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances (Then and Now Certification), and

WHEREAS, the Then and Now Certification is recommended by the State Auditor's Office, the Portage County Auditor's Office, and the Portage County Prosecutor's Office, and

WHEREAS, a listing of expenditures, attached hereto as Exhibit "A" and incorporated herein by reference, has been certified by the County Auditor according to Ohio Revised Code section 5705.41 (D)(1); now therefore be it

RESOLVED, that the expenditures listed herein are properly certified by the County Auditor in the amount of **\$10,579.04** as set forth in Exhibit "A" dated **September 16, 2008** shall be paid; 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. 08-0935 - RE: A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$4,250,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING, IMPROVING, FURNISHING AND EQUIPPING BUILDINGS AND STRUCTURES HOUSING COUNTY OFFICES AND FUNCTIONS, INCLUDING THE FUNCTIONS OF THE COUNTY PROSECUTOR.

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

WHEREAS, pursuant to Resolution No. 07-0916, adopted on September 18, 2007, there were issued \$4,050,000 of notes (the Outstanding Notes) in anticipation of the issuance of bonds for the purpose set forth in Section 1 as part of a consolidated issue of \$6,700,000 Various Purpose Notes, Series 2007, which Outstanding Notes mature on October 3, 2008; and

WHEREAS, this Board finds and determines that the County should retire the Outstanding Notes and provide additional funds for the purpose stated in Section 1 with the proceeds of the Notes described in Section 3; and

WHEREAS, the County Auditor, as fiscal officer of this County, has certified to this Board that the estimated life or period of usefulness of the improvement is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 20 years and the maximum

maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is October 4, 2027;

RESOLVED

by the Board of County Commissioners of Portage County, Ohio, that:

Section 1. Authorized Principal Amount of Anticipated Bonds and Purpose. It is necessary to issue bonds of the County in the aggregate principal amount of \$4,250,000 (the Bonds) to pay costs of constructing, improving, furnishing and equipping buildings and structures housing County offices and functions, including the functions of the County Prosecutor.

Section 2. Estimated Bond Terms. The Bonds shall be dated approximately September 1, 2009, shall bear interest at the now estimated rate of 6% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are substantially equal. The first principal installment on the Bonds is projected to be paid on December 1, 2010.

Section 3. Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this Board determines that Notes in the aggregate principal amount of \$4,250,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds, to retire the Outstanding Notes and to provide additional funds for the purpose stated in Section 1. The Notes shall be dated the date of their issuance and shall mature one year from the date of issuance; provided, however, that at least two members of this Board and the County Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to three months less than one year from the date of issuance by setting forth that maturity date in the certificate awarding the Notes in accordance with Section 6 of this Resolution. The Notes shall bear interest at a rate not to exceed 5% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by at least two members of this Board and the County Auditor in the certificate awarding the Notes in accordance with Section 6 of this Resolution.

Section 4. Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America, without deduction for services of the County's paying agent, at the principal corporate trust office of a bank or trust company requested by the original purchaser of the Notes, provided that such request shall be approved by the County Auditor after determining that the payment at that bank or trust company will not endanger the funds or securities of the County and that proper procedures and safeguards are available for that purpose, or at the office of the County Auditor if agreed to by the County Auditor and the original purchaser of the Notes.

Section 5. Execution of Notes; Book Entry System. The Notes shall be signed by at least two members of this Board and by the County Auditor, in the name of the County and in their official capacities, provided that all but one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by at least two members of this Board and the County Auditor, provided that no Note shall be issued in a denomination less than \$100,000. The

entire principal amount may be issued as fully registered securities (for which the County Auditor will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code, with a single physical note certificate representing the entire issue, if it is determined by the County Auditor that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the County Auditor and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Resolution.

As used in this Section and this Resolution:

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes (book entry interests) may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the County and payable only to a Depository or its nominee, with such Notes deposited and retained in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the County is the record that identifies the owners of book entry interests in the Notes and that principal and interest.

“Depository” means any security depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of book entry interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and deposited and retained in the custody of the Depository or its agent for that purpose; (ii) the owners of book entry interests shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of book entry interests shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the County.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the County Auditor may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the County Auditor does not or is unable to do so, the County Auditor, after making provision for notification of the book entry interest owners by the then Depository and any other

arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of County action or inaction, of those persons requesting such issuance.

The County Auditor is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the County.

Section 6. Award and Sale of the Notes. The Notes shall be awarded and sold by this Board and the County Auditor at private sale at a purchase price not less than par and accrued interest, in accordance with law and the provisions of this Resolution. At least two members of this Board and the County Auditor shall sign the certificate of award referred to in Section 3 fixing the interest rate which the Notes shall bear and evidencing that sale, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. Any member of this Board, the Clerk of this Board, the County Auditor, the County Treasurer, the Prosecuting Attorney, the Assistant Prosecuting Attorney and other County officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Resolution. At least two members of this Board and the Auditor are authorized, if it is determined to be in the best interest of the County, to combine the issue of Notes with one or more other note issues of the County into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. Application of Note Proceeds. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. Provisions for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the County, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full

amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the principal of and interest on the Notes or the Bonds when and as the same fall due. In each year to the extent that other funds are available for the payment of the debt charges on the Notes and Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of other funds so available and appropriated.

Section 10. Federal Tax Considerations. The County covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The County further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, and (b) it will not take or authorize to be taken any actions which would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely rebate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The County Auditor, as the fiscal officer, or any other officer of the County having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the County with respect to the Notes as the County is permitted to or required to make or give under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the County, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the County, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Each covenant made in this section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes

(and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes.

Section 11. Certification and Delivery of Resolution. The Clerk of this Board is directed to deliver or cause to be delivered a certified copy of this Resolution to the County Auditor.

Section 12. Satisfaction of Conditions for Note Issuance. This Board determines that all acts and conditions necessary to be done or performed by the County or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the County have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the County are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 13. Retention of Bond Counsel. The legal services of Squire, Sanders & Dempsey L.L.P., as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the County in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the County or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services and in paying other financing costs in connection with the Notes at the direction of the County.

Section 14. Compliance with Open Meeting Requirements. This Board finds and determines that all formal actions of this Board and of any of its committees concerning and relating to the adoption of this Resolution were taken, and that all deliberations of this Board and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

Section 15. Captions and Headings. The captions and headings in this Resolution are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Resolution unless otherwise indicated.

Section 16. Effective Date. This Resolution shall be in full force and effect immediately upon its adoption.

Roll call vote as follows:

Christopher Smeiles, Yea;

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

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RESOLUTION No. 08-0936

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RE: A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$1,900,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING PORTAGE COUNTY REGIONAL SEWER DISTRICT BY CONSTRUCTING PROJECT NO. RA-3 (05-020), STATE ROUTE 44 VACUUM SEWER INSTALLATION.

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

WHEREAS, pursuant to Resolution No. 07-0917, adopted on September 18, 2007, there were issued \$2,309,000 of notes (the Outstanding Notes) in anticipation of the issuance of bonds for the purpose set forth in Section 1 as part of a consolidated issue of \$6,700,000 Various Purpose Notes, Series 2007, which Outstanding Notes mature on October 3, 2008; and

WHEREAS, this Board finds and determines that the County should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the County; and

WHEREAS, the County Auditor, as fiscal officer of this County, has certified to this Board that the estimated life or period of usefulness of the improvement is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 40 years and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is October 4, 2027;

RESOLVED by the Board of County Commissioners of Portage County, Ohio, that:

Section 1. Authorized Principal Amount of Anticipated Bonds and Purpose. It is necessary to issue bonds of the County in the aggregate principal amount of \$1,900,000 (the Bonds) to pay costs of improving Portage County Regional Sewer District by constructing Project No. RA-3 (05-020), State Route 44 Vacuum Sewer Installation.

Section 2. Estimated Bond Terms. The Bonds shall be dated approximately September 1, 2009, shall bear interest at the now estimated rate of 6% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are substantially equal. The first principal installment on the Bonds is projected to be paid on December 1, 2010.

Section 3. Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this Board determines that Notes in the aggregate principal amount of \$1,900,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire, together with other funds available to the County, the Outstanding Notes. The Notes shall be dated the date of their issuance and shall mature one year

from the date of issuance; provided, however, that at least two members of this Board and the County Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to three months less than one year from the date of issuance by setting forth that maturity date in the certificate awarding the Notes in accordance with Section 6 of this Resolution. The Notes shall bear interest at a rate not to exceed 5% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by at least two members of this Board and the County Auditor in the certificate awarding the Notes in accordance with Section 6 of this Resolution.

Section 4. Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America, without deduction for services of the County's paying agent, at the principal corporate trust office of a bank or trust company requested by the original purchaser of the Notes, provided that such request shall be approved by the County Auditor after determining that the payment at that bank or trust company will not endanger the funds or securities of the County and that proper procedures and safeguards are available for that purpose, or at the office of the County Auditor if agreed to by the County Auditor and the original purchaser of the Notes.

Section 5. Execution of Notes; Book Entry System. The Notes shall be signed by at least two members of this Board and by the County Auditor, in the name of the County and in their official capacities, provided that all but one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by at least two members of this Board and the County Auditor, provided that no Note shall be issued in a denomination less than \$100,000. The entire principal amount may be issued as fully registered securities (for which the County Auditor will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code, with a single physical note certificate representing the entire issue, if it is determined by the County Auditor that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the County Auditor and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Resolution.

As used in this Section and this Resolution:

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes (book entry interests) may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the County and payable only to a Depository or its nominee, with such Notes deposited and retained in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the County is the record that identifies the owners of book entry interests in the Notes and that principal and interest.

“Depository” means any security depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to

record ownership of book entry interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and deposited and retained in the custody of the Depository or its agent for that purpose; (ii) the owners of book entry interests shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of book entry interests shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the County.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the County Auditor may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the County Auditor does not or is unable to do so, the County Auditor, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of County action or inaction, of those persons requesting such issuance.

The County Auditor is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the County.

Section 6. Award and Sale of the Notes. The Notes shall be awarded and sold by this Board and the County Auditor at private sale at a purchase price not less than par and accrued interest, in accordance with law and the provisions of this Resolution. At least two members of this Board and the County Auditor shall sign the certificate of award referred to in Section 3 fixing the interest rate which the Notes shall bear and evidencing that sale, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. Any member of this Board, the Clerk of this Board, the County Auditor, the County Treasurer, the Prosecuting Attorney, the Assistant Prosecuting Attorney and other County officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial

statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Resolution. At least two members of this Board and the Auditor are authorized, if it is determined to be in the best interest of the County, to combine the issue of Notes with one or more other note issues of the County into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. Application of Note Proceeds. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. Provisions for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the County, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the principal of and interest on the Notes or the Bonds when and as the same fall due. In each year to the extent revenues from Portage County Regional Sewer District are available for the payment of the debt charges on the Notes and Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of revenues so available and appropriated.

Section 10. Federal Tax Considerations. The County covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The County further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, and (b) it will not take or authorize to be taken any actions which would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely rebate payments to the federal government, (iv) maintain books and

records and make calculations and reports, and (v) refrain from certain uses of proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The County Auditor, as the fiscal officer, or any other officer of the County having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the County with respect to the Notes as the County is permitted to or required to make or give under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the County, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the County, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Each covenant made in this section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes.

Section 11. Certification and Delivery of Resolution. The Clerk of this Board is directed to deliver or cause to be delivered a certified copy of this Resolution to the County Auditor.

Section 12. Satisfaction of Conditions for Note Issuance. This Board determines that all acts and conditions necessary to be done or performed by the County or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the County have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the County are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 13. Retention of Bond Counsel. The legal services of Squire, Sanders & Dempsey L.L.P., as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the

proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the County in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the County or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services and in paying other financing costs in connection with the Notes at the direction of the County.

Section 14. Compliance with Open Meeting Requirements. This Board finds and determines that all formal actions of this Board and of any of its committees concerning and relating to the adoption of this Resolution were taken, and that all deliberations of this Board and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

Section 15. Captions and Headings. The captions and headings in this Resolution are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Resolution unless otherwise indicated.

Section 16. Effective Date. This Resolution shall be in full force and effect immediately upon its adoption.

Roll call vote as follows:

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

* * * * *

RESOLUTION No. 08-0937 - RE: A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$1,650,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING PORTAGE COUNTY REGIONAL SEWER DISTRICT BY CONSTRUCTING PROJECT NO. SH-W (06-290), CLEVELAND TO AURORA WATER LINE, PHASE I.

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

WHEREAS, the County Auditor, as fiscal officer of this County, has certified to this Board that the estimated life or period of usefulness of the improvement is at least five years, the maximum maturity of the Bonds described in Section 2 is 40 years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is 240 months from their date of issuance;

RESOLVED, by the Board of County Commissioners of Portage County, Ohio, that:

Section 1. Necessity and Authorization of Construction of Improvement. This Board has heretofore (i) established the Portage County Regional Sewer District, (ii) caused to be prepared a general plan of water supply for that District and (iii) approved that general plan in original form and as it has been revised from time to time. This Board now declares it to be necessary for the preservation and promotion of the public health and welfare to construct, in accordance with the general plan of water supply for the Portage County Regional Sewer District, as amended, Project No. SH-W (06-290), Cleveland to Aurora Water Line, Phase I. This Board determines that no special assessments are to be levied and collected to pay any part of the cost of that improvement.

This Board authorizes the construction of Project No. SH-W (06-290), Cleveland to Aurora Water Line, Phase I, and the expenditure of funds required for its construction from (i) the proceeds of the Notes described in Section 3, (ii) Portage County Regional Sewer District revenues or (iii) other funds legally available to the County and appropriated for that purpose.

Section 2. Authorized Principal Amount of Anticipated Bonds and Purpose; Estimated Bond Terms. It is necessary to issue bonds of the County in the aggregate principal amount of \$1,650,000 (the Bonds) to pay costs of improving Portage County Regional Sewer District by constructing Project No. Project No. SH-W (06-290), Cleveland to Aurora Water Line, Phase I.

The Bonds shall be dated approximately September 1, 2009, shall bear interest at the now estimated rate of 6% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are substantially equal. The first principal installment on the Bonds is projected to be paid on December 1, 2010.

Section 3. Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this Board determines that Notes in the aggregate principal amount of \$1,650,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated the date of their issuance and shall mature one year from the date of issuance; provided, however, that at least two members of this Board and the County Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to three months less than one year from the date of issuance by setting forth that maturity date in the certificate awarding the Notes in accordance with Section 6 of this Resolution. The Notes shall bear interest at a rate not to exceed 5% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by at least two members of this Board and the County Auditor in the certificate awarding the Notes in accordance with Section 6 of this Resolution.

Section 4. Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America, without deduction for services of the County's paying agent, at the principal corporate trust office or other office of a bank or trust company designated by the at least two members of this

Board and the County Auditor in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the County and that proper procedures and safeguards are available for that purpose, or at the office of the County Auditor if agreed to by the County Auditor and the Original Purchaser (as defined in Section 6).

Section 5. Execution of Notes; Book Entry System. The Notes shall be signed by at least two members of this Board and by the County Auditor, in the name of the County and in their official capacities, provided that all but one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by at least two members of this Board and the County Auditor, provided that no Note shall be issued in a denomination less than \$100,000. The entire principal amount may be issued as fully registered securities (for which the County Auditor will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code, with a single physical note certificate representing the entire issue, if it is determined by the County Auditor that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the County Auditor and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Resolution.

As used in this Section and this Resolution:

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes (book entry interests) may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the County and payable only to a Depository or its nominee, with such Notes deposited and retained in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the County is the record that identifies the owners of book entry interests in the Notes and that principal and interest.

“Depository” means any security depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of book entry interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and deposited and retained in the custody of the Depository or its agent for that purpose; (ii) the owners of book entry interests shall have no right to receive the Notes in the form of physical securities or certificates; (iii)

ownership of book entry interests shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the County.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the County Auditor may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the County Auditor does not or is unable to do so, the County Auditor, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of County action or inaction, of those persons requesting such issuance.

The County Auditor is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the County.

Section 6. Award and Sale of the Notes. The Notes shall be awarded and sold at not less than par plus accrued interest at private sale by this Board and the County Auditor to the original purchaser thereof (the Original Purchaser) in accordance with law and the provisions of this Resolution and the Certificate of Award. At least two members of this Board and the County Auditor shall sign the Certificate of Award evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. Any member of this Board, the Clerk of this Board, the County Auditor, the County Treasurer, the Prosecuting Attorney, the Assistant Prosecuting Attorney and other County officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Resolution. At least two members of this Board and the Auditor are authorized, if it is determined to be in the best interest of the County, to combine the issue of Notes with one or more other note issues of the County into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. Application of Note Proceeds. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. Provisions for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the County, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the principal of and interest on the Notes or the Bonds when and as the same fall due. In each year to the extent revenues from Portage County Regional Sewer District are available for the payment of the debt charges on the Notes and Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of revenues so available and appropriated.

Section 10. Federal Tax Considerations. The County covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The County further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, and (b) it will not take or authorize to be taken any actions which would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely rebate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The County Auditor, as the fiscal officer, or any other officer of the County having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the County with respect to the Notes as the County is permitted to or required to make or give under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate,

or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the County, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the County, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Section 11. Certification and Delivery of Resolution. The Clerk of this Board is directed to deliver or cause to be delivered a certified copy of this Resolution to the County Auditor.

Section 12. Satisfaction of Conditions for Note Issuance. This Board determines that all acts and conditions necessary to be done or performed by the County or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the County have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the County are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 13. Retention of Bond Counsel. The legal services of Squire, Sanders & Dempsey L.L.P., as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the County in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the County or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services and in paying other financing costs in connection with the Notes at the direction of the County.

Section 14. Compliance with Open Meeting Requirements. This Board finds and determines that all formal actions of this Board and of any of its committees concerning and relating to the adoption of this Resolution were taken, and that all deliberations of this Board and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

Section 15. Captions and Headings. The captions and headings in this Resolution are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Resolution unless otherwise indicated.

Section 16. Effective Date. This Resolution shall be in full force and effect immediately upon its adoption.

Roll call vote as follows:

Christopher Smeiles, Yea;

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

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RESOLUTION No. 08-0938

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RE:

A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$500,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF ACQUIRING VEHICLES AND RELATED EQUIPMENT FOR USE BY THE COUNTY SOLID WASTE MANAGEMENT DISTRICT.

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

WHEREAS,

the County Auditor, as fiscal officer of this County, has certified to this Board that the estimated life or period of usefulness of the improvement is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is five years and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is 10 years from their date of issuance;

RESOLVED,

by the Board of County Commissioners of Portage County, Ohio, that:

Section 1. Authorized Principal Amount of Anticipated Bonds and Purpose. It is necessary to issue bonds of the County in the aggregate principal amount of \$500,000 (the Bonds) to pay costs of acquiring vehicles and related equipment for use by the County Solid Waste Management District.

Section 2. Estimated Bond Terms. The Bonds shall be dated approximately September 1, 2009, shall bear interest at the now estimated rate of 6% per year, payable semiannually until the principal amount is paid, and are estimated to mature in five annual principal installments on December 1 of each year that are substantially equal. The first principal installment on the Bonds is projected to be paid on December 1, 2010.

Section 3. Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this Board determines that Notes in the aggregate principal amount of \$500,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated the date of their issuance and shall mature one year from the date of issuance; provided, however, that at least two members of this Board and the County Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to three months less than one year from the date of issuance by setting forth that maturity date in the certificate awarding the Notes in accordance with Section 6 of this Resolution. The Notes shall bear interest at a

rate not to exceed 5% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by at least two members of this Board and the County Auditor in the certificate awarding the Notes in accordance with Section 6 of this Resolution.

Section 4. Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America, without deduction for services of the County's paying agent, at the principal corporate trust office of a bank or trust company requested by the original purchaser of the Notes, provided that such request shall be approved by the County Auditor after determining that the payment at that bank or trust company will not endanger the funds or securities of the County and that proper procedures and safeguards are available for that purpose, or at the office of the County Auditor if agreed to by the County Auditor and the original purchaser of the Notes.

Section 5. Execution of Notes; Book Entry System. The Notes shall be signed by at least two members of this Board and by the County Auditor, in the name of the County and in their official capacities, provided that all but one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by at least two members of this Board and the County Auditor. The entire principal amount may be issued as fully registered securities (for which the County Auditor will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code, with a single physical note certificate representing the entire issue, if it is determined by the County Auditor that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the County Auditor and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Resolution.

As used in this Section and this Resolution:

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes (book entry interests) may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the County and payable only to a Depository or its nominee, with such Notes deposited and retained in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the County is the record that identifies the owners of book entry interests in the Notes and that principal and interest.

“Depository” means any security depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of book entry interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and deposited and retained in the custody of the Depository or its agent for that purpose; (ii) the owners of book entry interests shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of book entry interests shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the County.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the County Auditor may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the County Auditor does not or is unable to do so, the County Auditor, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of County action or inaction, of those persons requesting such issuance.

The County Auditor is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the County.

Section 6. Award and Sale of the Notes. The Notes shall be awarded and sold by this Board and the County Auditor at private sale at a purchase price not less than par and accrued interest, in accordance with law and the provisions of this Resolution. At least two members of this Board and the County Auditor shall sign the certificate of award referred to in Section 3 fixing the interest rate which the Notes shall bear and evidencing that sale, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. Any member of this Board, the Clerk of this Board, the County Auditor, the County Treasurer, the Prosecuting Attorney, the Assistant Prosecuting Attorney and other County officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Resolution. At least two members of this Board and the Auditor are authorized, if it is determined to be in the best interest of the County, to combine the issue of Notes with one or more other note

issues of the County into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. Application of Note Proceeds. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. Provisions for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the County, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the principal of and interest on the Notes or the Bonds when and as the same fall due. In each year to the extent that other funds are available for the payment of the debt charges on the Notes and Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of other funds so available and appropriated.

Section 10. Federal Tax Considerations. The County covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The County further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, and (b) it will not take or authorize to be taken any actions which would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely rebate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The County Auditor, as the fiscal officer, or any other officer of the County having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the County with respect to the Notes as the County is permitted to or required to make or give under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the County, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the County, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Section 11. Certification and Delivery of Resolution. The Clerk of this Board is directed to deliver or cause to be delivered a certified copy of this Resolution to the County Auditor.

Section 12. Satisfaction of Conditions for Note Issuance. This Board determines that all acts and conditions necessary to be done or performed by the County or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the County have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the County are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 13. Retention of Bond Counsel. The legal services of Squire, Sanders & Dempsey L.L.P., as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the County in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the County or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services and in paying other financing costs in connection with the Notes at the direction of the County.

Section 14. Compliance with Open Meeting Requirements. This Board finds and determines that all formal actions of this Board and of any of its committees concerning

and relating to the adoption of this Resolution were taken, and that all deliberations of this Board and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

Section 15. Captions and Headings. The captions and headings in this Resolution are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Resolution unless otherwise indicated.

Section 16. Effective Date. This Resolution shall be in full force and effect immediately upon its adoption.

Roll call vote as follows:

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

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RESOLUTION No. 08-0939 - RE: TRANSFER FROM FUND 0001, GENERAL FUND TO FUND 4010, PROSECUTOR'S BUILDING

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

WHEREAS, the Portage County Board of Commissioners has a note in the amount of \$4,050,000.00 for the Prosecutor's Building which is due on October 3, 2008, and

WHEREAS, the Portage County Board of Commissioners wishes to transfer \$ 8,138.18 to pay a portion of the note interest and legal fees; now therefore be it

RESOLVED, that the following transfer be made in the amount of \$ 8,138.18:

FROM:
FUND 0001, GENERAL FUND
ORGCODE - 00100009
Debit Expense Account
Object 910000- TRANSFERS OUT \$ 8,138.18

FUND 4010, PROSECUTOR'S BUILDING
ORGCODE - 40100122
Revenue Account
Object 280000 - TRANSFERS IN \$ 8,138.18

and be it further

RESOLVED, that the County Auditor is hereby requested to make said transfer by Journal Entry, and that a certified copy of this resolution be filed with the County Auditor and the Department of Budget and Financial Management, 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. 08-0940 - RE: TRANSFER - FROM FUND 5200, PCS GENERAL ADMINISTRATION TO FUND 5312, PCS STATE ROUTE 44 VACUUM

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

WHEREAS, the Water Resources Department has a note for the State Route 44 Vacuum Sewer Installation Project in the amount of \$2,309,000.00, which is due on October 3, 2008, and

WHEREAS, the Water Resources Department wishes to transfer \$ 100,000.00 from Fund 5200, Portage County Sewer Fund to pay for the interest and legal fees; now therefore be it

RESOLVED, that the following transfer of funds in the amount of \$ 100,000.00 be made as follows:

FROM:
5200, PCS GENERAL ADMINISTRATION
ORGCODE - 52004009
Debit Expense Account
Object 910000 - TRANSFER OUT \$ 100,000.00

TO:
5312, PCS STATE ROUTE 44 VACUUM
ORGCODE - 53120602
PROJECT CODE - 05020
Credit Revenue Account
Revenue Source 280000 - TRANSFER IN \$ 100,000.00

and be it further

RESOLVED, that the County Auditor is hereby requested to make said transfer by Journal Entry, and that a certified copy of this resolution be filed with the County Auditor, the Department of Budget and Financial Management and the Water Resources Department, 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. 08-0941 - RE: RECOMMEND PORTAGE COUNTY COMMISSIONER CHARLES W. KEIPER II FOR APPOINTMENT TO THE ADVISORY BOARD TO THE GREAT LAKES-ST. LAWRENCE RIVER BASIN WATER RESOURCES COMPACT.

It was moved by Maureen T. Frederick, seconded by Christopher Smeiles that the following Resolution be adopted:

WHEREAS, with the enactment of HB 416, effective December 8, 2008, the state of Ohio ratified participation in the Great Lakes-St. Lawrence River Basin Water Resources Compact, which governs withdrawals, diversions, consumptive uses, and other activities affecting the quality or quantity of waters within the Great Lakes-St. Lawrence River Basin; and

WHEREAS, HB 416 creates a 26 member advisory board to develop recommendations for legislation necessary to implement and effectuate the purposes of the Compact; and

WHEREAS, the Ohio Governor must appoint a person to the advisory board to represent county government in the Lake Erie Basin; and

WHEREAS, Portage County Commissioner Charles W. Keiper II is interested in serving on this advisory board; and

WHEREAS, having been deeply involved in complex litigation regarding waterways in and around the Lake Erie Basin, Commissioner Keiper is well versed in regional and international water issues; now therefore be it

RESOLVED, that the Portage County Board of Commissioners recommends the appointment of Portage County Commissioner Charles W. Keiper II to the Great Lakes-St. Lawrence River Basin Advisory Board; 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 was as follows:

Christopher Smeiles, Yea;

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

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RESOLUTION No. 08-0942

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RE:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PORTAGE COUNTY IN SUPPORT OF A FULLY FUNDED RENEWAL OF THE CLEAN OHIO FUND BOND PACKAGE WHICH WILL BE PLACED ON THE NOVEMBER 4, 2008 BALLOT, IN ORDER TO MEET THE GROWING DEMAND FOR WATER AND GREEN SPACE CONSERVATION PROJECTS, BROWNFIELD REVITALIZATION, RECREATIONAL TRAIL DEVELOPMENT, FARMLAND PRESERVATION AND OTHER IMPORTANT PROJECTS RELATED TO THE CLEAN OHIO FUND.

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

WHEREAS, the State of Ohio is home to many beautiful natural areas and vibrant urban areas that are in need of conservation and revitalization; and

WHEREAS, voters across the State of Ohio will be asked to vote yes on Issue 2, which will be funded by the sale of bonds and not from a new tax levy, in November of this year; and

WHEREAS, conservation purposes includes conservation and preservation of natural areas, open spaces and farmlands and revitalization purposes includes providing for and enabling environmentally safe and productive development and use of reuse of publicly and privately owned lands through mediation or clean up and reuse; and

WHEREAS, to date, the Clean Ohio Fund has funded over 700 projects in 86 of 88 counties, preserving over 26,000 acres of natural areas and 16,000 acres of farmland, creating more than 216 miles of recreational trails and cleaning up 173 polluted sites; and

WHEREAS, renewal of the Clean Ohio Fund would help Ohioans maintain and enhance their current quality of life, will create jobs and will improve the environment for this and future generations of Ohioans; now therefore be it

RESOLVED, that the Board of Commissioners of Portage County does hereby fully support the renewal of the Clean Ohio Fund and urges a "Yes" vote for the Clean Ohio Program renewal, also known as Issue 2, on the November 4, 2008 general election ballot; 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

RESOLUTION No. 08-0944 - RE: ENCOURAGE INDIVIDUALS TO SERVE AS ELECTION OFFICIALS BY AUTHORIZING COMMISSIONERS' DEPARTMENT DIRECTORS TO EXCUSE PORTAGE COUNTY EMPLOYEES FROM NORMAL DUTIES ON NOVEMBER 4, 2008.

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

- WHEREAS,** the Portage County Board of Commissioners seeks to assist the Board of Elections by encouraging individuals to serve as poll workers in the upcoming general election; and
- WHEREAS,** poll workers are essential to a smooth, fair, and efficient election process; now therefore be it
- RESOLVED,** that the Board hereby authorizes all Portage County Commissioners' Department Directors to grant paid administrative leave to employees who will serve as poll workers on November 4, 2008; and be it further
- RESOLVED,** that Department Directors shall only grant such leave to non-essential employees who may be excused from work without interrupting the smooth operation of the department; and be it further
- RESOLVED,** that the Board does not desire to establish an ongoing practice of such leave, but rather extends this authority based upon the needs of this particular election day; and be it further
- RESOLVED,** that a copy of this resolution be sent to the Portage County Human Resources Department, the Portage County Auditor, and the Portage County Board of Elections; 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 meetings 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 Frederick, Yea;

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INCOMING CORRESPONDENCE

DISCUSSION

September 16, 2008

1. September 8, 2008 memo from Larry Long, County Commissioners' Association of Ohio, regarding the Advisory Board to Great Lakes St. Lawrence River Basin Water Resources Compact. Does the Board wish to be considered by the Administration for appointment to the advisory board/08-0941
2. September 10, 2008 e-mail from Anita Herington, Job and Family Services, regarding budget cuts/Information only.
3. September 9, 2008 memo from the County Commissioners' Association of Ohio, requesting support of a State Issue 2 - Clean Ohio fund/08-0942.
4. September 9, 2008 memo from Larry Long, County Commissioners' Association of Ohio, including a corrected sample resolution supporting State Issue 2 – Clean Ohio Fund/Include these changes in 08-0942.
5. Discussion: Regional Planning Commission budget (Commissioner Keiper)/Department of Budget & Finance agenda discussion today. Commissioner Keiper noted that the budget assumes that Regional Planning Commission will only ½ of the payments due to the county, that an additional employee plans to retire effective July 1, 2009 and that the Board of Commissioners approves the \$60,000 of transfer tax fees.
6. August 2008 correspondence from Family & Community Services, requesting donations for the seventh annual Guardians of Hope appeal/Each Commissioner to respond.
7. September 8, 2008 correspondence from an anonymous County employee, regarding the Water Resources Department/Forwarded to Director Harold Huff by Commissioner Smeiles.
8. September 9, 2008 e-mail from Brian Kelley, ITS, regarding domain address for www.portageworkforce.org/Commisisoner Keiper noted that PCDED Director Bill Ulik is working to find another location/website host for the office website. He will bring three or four quotes to the Board of Commissioners for consideration for a redesign of the current site. Commissioner Keiper agreed to discuss this issue with Mr. Kelley.
9. September 11, 2008 correspondence from Sheriff, Duane Kaley, regarding Case No. 2008 CV 01443 Patrick A. Peddicord vs. Gregory A. Johnson. A copy was forwarded to the Department of Budget and Financial Management and to Attorney Denise Smith. Attorney Smith noted that no action is required until the Sheriff identifies the Attorney hired by Deputy Johnson and an amount to be set aside. (ORC Section 2744.07)
10. September 12, 2008 correspondence from Lynne Erickson, Regional Planning Commission, regarding conditions of approval of CDBG 2006 and 2007 Formula Grant Administration contracts/Department of Budget & Finance agenda discussion today
11. September 12, 2008 correspondence from Sheila Vandergriff, Portage Animal Protective League, regarding a fundraising event and open house on Saturday, October 4th./Journal Entry and forward to the Internal Services Director to process.

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JOURNAL ENTRIES

September 16, 2008

1. The Board of Commissioners authorized the release of \$58,000 for 2008 funding for the Townhall II Free Medical Clinic, as requested in the September 9, 2008 correspondence from Barb Deakins, Executive Director of Townhall II.
2. The Board of Commissioners received the Corrective Action Plan for the 2002 Audit (January 1, 2002 through December 31, 2002) and 2006 audit (April 1, 2005 through March 31, 2006) as presented by Terri Burns, Department of Job and Family Services.
3. The Board of Commissioners received the September 10, 2008 Notice from the Ohio Division of Liquor Control of a transfer of a contract liquor agency, along with a carry out liquor license for Tamarkin Company dba Giant Eagle #4095, 4260 SR 44, Unit 1, Rootstown Township, Rootstown, Ohio 44272. Does the Board of Commissioners wish to request a hearing? The Rootstown Township Trustees were notified and have no objections; they are not requesting a hearing. Board of Commissioners' authorization also requested to allow the Clerk to sign and return the Notice.
4. September 11, 2008 Certificate of the County Auditor that the Total Appropriations from each fund do not exceed the Official Estimate Resources for the fiscal year beginning January 1, 2008 as presented by the Portage County Auditor's Office.
5. Board of Commissioners' authorization requested to allow the Ravenna Merchants use of the Courthouse Lawn on Saturday, October 25, 2008, 11:00 AM-3:00 PM for a Halloween Contest for Children.
6. Board of Commissioners' authorization requested to have Commissioner Smeiles sign the Event Confirmation form and the NEOUCOM Conference and Event Center Service Contract for the Economic Development Summit on Thursday, October 2, 2008 for 200 attendees at an approximate cost of \$ 5,967.31 as presented by the Portage County Economic Development Department.
7. The Board of Commissioners received the Portfolio Report for August 2008 as presented by the County Treasurer's Office.
8. Board of Commissioners' authorization requested to pay the bond renewal for \$ 521.00 payable to Donna Reckner dba. Bruce McClelland Insurance for the renewal of the Public Officials Bond through ZNA/Maryland F&D for Portage County Treasurer Stephen P. Shanafelt effective September 2, 2008 through September 1, 2011.
9. Board of Commissioners' signature requested on Application and Certificate for Payment (No. 4 Final) allowing payment of \$ 3,340.80 to Lake County Sewer Company for the County Wide Line Maintenance Program; Cleaning and Jet Flushing Zone 2 Ravenna and Rootstown, Project No. PC (08-010) as requested by the Water Resources Department. (Fund No. 5200).
10. Board of Commissioners' authorization requested to pay September 11, 2008 Wellness Billing for the month of August 2008 for \$ 2,590.00 as presented by the Portage County Combined General Health District.
11. The Board of Commissioners received the monthly operating expenses and caseload report for the County Public Defender's Office for July 2008 as presented by the County Auditor.

12. Board of Commissioners' authorization requested to allow use of the Portage County Veterans Services Office originally requested for Monday, September 29, 2008 to Tuesday, September 30, 2008 from 4:30-7:00 PM as presented by Veterans Services Director Robert Park.
13. The Board of Commissioners received the Portage County Investment Reconciliation for the month of August 2008 as presented by the County Treasurer and County Auditor.

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INFORMATION ONLY

September 16, 2008

1. September 10, 2008 e-mail from the Streetsboro Chamber of Commerce, reminding the Board that nominations for Citizen of the Year, Small Business Person of the Year and Image Award are due by Friday, October 17, 2008/Forward to the Executive Assistant to determine if Delta Systems qualifies for one of these awards.
2. The Board of Commissioners received a copy of A Day in the Life of Ohio Child Support as presented by the Ohio CSEA Directors' Association. (Document in share file).
3. The Board of Commissioners received the County Commissioners' Association of Ohio County News Issue 2 for 2008.
4. The Board of Commissioners received the Weekly Traffic Advisory for September 12, 2008 as presented by Ohio Department of Transportation.
5. The Board of Commissioners received notice of a change in address for the Social Security Administration to 444 Enterprise Parkway, Ravenna.

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JOURNAL ENTRY

September 16, 2008

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

1. The Board of Commissioners authorized the release of \$58,000 for 2008 funding for the Townhall II Free Medical Clinic, as requested in the September 9, 2008 correspondence from Barb Deakins, Business and Finance Director for Townhall II.
2. The Board of Commissioners received the Corrective Action Plan for the Ohio Department of Job and Family Services 2002 Audit (January 1, 2002 through December 31, 2002) and Ohio Department of Job and Family Services 2006 audit (April 1, 2005 through March 31, 2006), as presented by Director Anita Herington, Portage County Department of Job and Family Services.
3. The Board of Commissioners received the September 10, 2008 Notice from the Ohio Division of Liquor Control of a transfer of a contract liquor agency, along with a carry out liquor license for Tamarkin Company dba Giant Eagle #4095, 4260 SR 44, Unit 1, Rootstown Township, Rootstown, Ohio 44272. The Board of Commissioners agreed not to request a hearing noting that the Rootstown Township Trustees were notified and have no objections. The Board of Commissioners noted that the state is processing the transfer of a contract liquor agency along with a carry out liquor license and requests that both notifications be signed and returned. Board of Commissioners authorized the Clerk to sign and return the Notices.

4. The Board of Commissioners acknowledged the receipt of the September 11, 2008 Certificate of the County Auditor that the Total Appropriations from each fund do not exceed the Official Estimate Resources for the fiscal year beginning January 1, 2008, as presented by the Portage County Auditor.
5. The Board of Commissioners approved the request from the Ravenna Merchants for use of the Courthouse Lawn on Saturday, October 25, 2008, 11:00 AM-3:00 PM for a Halloween Contest for Children. Forwarded to the Internal Services Director to process the required agreement.
6. The Board of Commissioners authorized Commissioner Smeiles to sign the Event Confirmation form and the NEOUCOM Conference and Event Center Service Contract for the Economic Development Summit on Thursday, October 2, 2008 for 200 attendees at an approximate cost of \$5,967.31, as presented by the Portage County Department of Economic Development.
7. The Board of Commissioners acknowledged the receipt of the Portfolio Report for August 2008, as presented by the County Treasurer.
8. The Board of Commissioners authorized payment of the bond renewal for \$521.00 payable to Donna Reckner dba Bruce McClelland Insurance of Ravenna for the renewal of the Public Officials Bond through ZNA/Maryland F&D for Portage County Treasurer Stephen P. Shanafelt effective September 2, 2008 through September 1, 2011.
9. The Board of Commissioners signed the Application and Certificate for Payment (No. 4 Final) allowing payment of \$3,340.80 to Lake County Sewer Company of Willowick, Ohio for the County Wide Line Maintenance Program; Cleaning and Jet Flushing Zone 2 Ravenna and Rootstown, Project No. PC (08-010), as presented by the Portage County Water Resources Department. (Fund No. 5200).
10. The Board of Commissioners authorized payment of the September 11, 2008 Wellness Billing for the month of August 2008 for \$2,590.00, as presented by the Portage County Combined General Health District.
11. The Board of Commissioners acknowledged the receipt of the monthly operating expenses and caseload report for the County Public Defender's Office for July 2008, as presented by the County Auditor.
12. The Board of Commissioners approved the request from the Portage County Veterans Services Office changing the originally requested meeting on Monday, September 29, 2008 to Tuesday, September 30, 2008 from 4:30-7:00 PM, as presented by Veterans Services Director Robert Park.
13. The Board of Commissioners acknowledged the receipt of the Portage County Investment Reconciliation for the month of August 2008, as presented by the Portage County Treasurer and Portage County Auditor.
14. The Board of Commissioners approved the following Personnel Requisitions, as presented by the Portage County Human Resources Department and approved by Water Resources Department Director Harold Huff:

DEPARTMENT	JOB TITLE	GRADE	ACTION
Portage County Water Resources Department	Water Treatment Superintendent (Replacing Les Cross)	MG05 2	Post Internally and Externally

