

Tuesday, April 14, 2009

The Board of County Commissioners met in regular session on **Tuesday, April 14, 2009 at 9:20 AM** with the following members present:

Charles W. Keiper II

Maureen T. Frederick

Christopher Smeiles

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It was moved by Christopher Smeiles, seconded by Charles W. Keiper II to approve the meeting minutes of the April 9, 2009 meeting. All in favor, motion carries

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

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PROSECUTOR

Present: Denise Smith

Commissioner Keiper asked for an update on the IntelliTech Pay-For-Stay Program. Attorney Smith responded that her understanding was that the Sheriff agreed to meet with the Judges before deciding whether or not to move forward. She does not believe that the County owes IntelliTech any money, should the decision be made to not move forward. The Board of Commissioners asked the Clerk to draft a letter to the Sheriff asking if he intends to move forward with this program or not.

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Review of Prosecutor's Pending List

1. Attorney Smith advised the Board of Commissioners that the Ben Energy Oil & Gas Lease would pay the county 1/8 of the field market price per 1,000 cubic feet. The State cannot compel the county to participate even though Ben Energy's attorney has advised Commissioner Smeiles of that fact. The Board of Commissioners agreed to move forward with the Ben Energy Oil & Gas Lease/JoAnn Townend to bring back the required resolution pending a response from Streetsboro Councilwoman Bridget Pavlick.
2. Commissioner Smeiles noted that the City of Streetsboro tabled the Portage County/City water agreement after the Finance Committee Meeting last night.
3. The Board of Commissioners agreed to consider a resolution on April 16, 2009 requesting permission to create a special fund for the Sheriff's canine expenses.
4. The Board of Commissioners agreed to get their comments to Attorney Smith on the draft MOU for the proposed Joint Safety Center. Commissioner Keiper noted that he is concerned about the time line, which is not acceptable and that there is no lead agency designated by the MOU.

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Prosecutor's Correspondence

1. April 6, 2009 correspondence from Vic Vigluicci, regarding appointment of Assistant Prosecuting Attorney Thomas Buchanan as his representative to the Law Library Resources Board for a term expiring December 31, 2010/Forward to the Executive Assistant for her files and information.

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The Board of Commissioners discussed the revised Certification of the County Auditor for the Health Department's May ballot issue. Attorney Smith noted that the revision will not change the ballot language and is acceptable as revised.

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The Board of Commissioners discussed the Neighborhood Development Services, Inc. request that the Board sign three Satisfaction of Mortgages that were presented by Neighborhood Development Services, Inc. in July 2008. The original satisfactions were not recorded and the Satisfactions must be signed again by the Commissioners. Denise Smith advised the Board of Commissioners that, since the originals were not recorded, the Board of Commissioners will sign a new original that will be recorded.

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Commissioner Smeiles advised the Board of Commissioners that he spoke with Assistant Chief Adult Probation Office Jim Eskridge regarding issues with the agreement with Elmo Tech for electronic monitoring services, approved on March 26, 2009 by the Board of Commissioners with Resolution 09-0273. Denise Smith agreed to contact Mr. Eskridge to discuss his concerns.

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**STATE AUDITOR – EXIT CONFERENCE
Room #703**

10:00 AM Motion by Maureen T. Frederick to enter into an executive session for an audit conference conducted by the Auditor of State or independent certified public accountants with officials of the public office that is the subject of the audit, seconded by Christopher Smeiles. Upon the call of the roll; Charles W. Keiper II, aye; Christopher Smeiles, aye Maureen T. Frederick, aye.

1:10 PM 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 formal action.

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**2009 FORMULA GRANT PRESENTATIONS
Commissioners' Board Room**

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RESOLUTION No. 09-0326 - RE: BILLS APPROVED AND CERTIFIED TO THE PORTAGE COUNTY AUDITOR FOR PAYMENT.

It was moved by Christopher Smeiles, 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 April 14, 2009 in the total payment amount of **\$306,215.81 for Funds 0001-8391** as set forth in

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

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RESOLUTION No. 09-0328

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RE: ACCEPTANCE OF THEN AND NOW CERTIFICATIONS FOR PAYMENT.

It was moved by Christopher Smeiles, 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 **\$1,087.60** as set forth in Exhibit “A” dated **April 14, 2009** 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:

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

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RESOLUTION No. 09-0329

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RE: APPOINTMENT TO THE PORTAGE COUNTY LOCAL WORKFORCE COMMITTEE UNDER THE DIRECTION OF GEAUGA, ASHTABULA AND PORTAGE PARTNERSHIP AREA 19 WORKFORCE INVESTMENT BOARD (GAPP WIB)

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

- B. change in service provider arrangements;
- C. significant incidents involving identity theft and management's response;
- D. Any recommendations for changes to the Program.

Section 2. The Program:

The Portage County Water Resources is ensured with various sensitive customer account information in providing the various services. As part of ensuring the proper response to potential identity theft, all employees are charged with forwarding any of the following incidents that may raise a "red flag" as to identity theft to their immediate supervisor or the Water Resources Director.

Suspicious documents, such as:

1. An application or document provided for identification appears to have been altered or forged.
2. The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
3. Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.

Suspicious Personal identifying information, such as

1. Personal identifying information the customer provides is not consistent with other personal identifying information provided by the customer or with existing information on file. (For example, there is a lack of correlation between the SSN given and the SSN already on file).
2. Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third party source.
3. The SSN, address, or telephone number provided is the same as that submitted by other persons opening an account or other customers.
4. The person opening the covered account or the customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

Unusual use of, or suspicious activity related to, the covered account.

1. Shortly following the notice of a change of address for a covered account, the entity receives a request for the addition of authorized users on the accounts.
2. A customer uses a covered account that has been inactive for a reasonably lengthy period of time (taking into consideration the type of account, the expected pattern of usage, and other relevant factors).

3. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.
4. The entity is notified that the customer is not receiving paper account statements or of unauthorized changes or transactions in connection with a customer's covered account.

Section 3. Mitigation of Identity Theft Following Red Flag Incident:

The Director of the Water Resources Identity Theft Program shall take any of the following actions he deems appropriate in response to a suspected threat of identity theft.

- Monitoring a covered account for evidence of identity theft;
- Contacting the customer;
- Changing any passwords, security codes, or other security devices that permit access to a covered account;
- Not opening a new covered account;
- Closing an existing covered account;
- Notifying law enforcement (county sheriff or county prosecutor);
- Determining that no response is warranted under the particular circumstances.

Section 4. Updating the Program

The program shall be updated periodically to reflect changes in risks to customers or to the safety and soundness of the organization from identity theft based on factors such as:

1. Experience of the organizations with identity theft;
2. Changes in methods of identity theft;
3. Changes in methods to detect, prevent, and mitigate identity theft;
4. Changes in the types of accounts that the organization offers or maintains;
5. Changes in the business arrangements of the organization, including mergers, acquisitions, alliances, joint ventures, and service provider arrangements.

Section 3. That the COMMISSIONERS find and determine that all formal actions at this meeting concerning and relating to the adoption of this resolution were taken in an open meeting by the COMMISSIONERS and that all deliberations of the COMMISSIONERS that resulted in those formal actions were in a 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;

Maureen T. Frederick, Yea;

Charles W. Keiper II, Yea;

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RESOLUTION No. 09-0332 - RE: RENAME FUND 1210, NO PASSING ZONE UPDATE STUDY TO SAFETY STUDIES

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

WHEREAS, it has become necessary to rename Fund 1210, No Passing Zone Update Study in order to properly classify the processing of financial transactions related to the County Engineer's safety grants, and

WHEREAS, the County Auditor has requested that Fund 1210 be renamed to Safety Studies; now therefore be it

RESOLVED, that Fund 1210, No Passing Zone Update Study be renamed to Safety Studies and be it further

RESOLVED, that a certified copy of this resolution be filed with the County Auditor, the County Engineer 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.

Voice vote as follows:

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

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**RESOLUTION No. 09-0333 - RE: ANNUAL TRANSFER - FROM FUND 5200, PCS GENERAL ADMINISTRATION TO FUNDS:
5241 PCS OWDA 1993 SUMMIT
5242 PCS OWDA 1994
5243 PCS OWDA 1996
5244 PCS OWDA 2001
5245 PCS OWDA 2005 RAVENNA
5246 PCS OWDA 2003 MANTUA**

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

WHEREAS, in order to meet our Ohio Water Development Authority (OWDA) debt obligations, due in July and December, 2009, it is necessary to transfer funds in the amount of \$ 695,798.96; now therefore be it

RESOLVED, that the following transfer of funds in the amount of \$ 695,798.96 is hereby authorized:

FROM:

FUND 5200 PCS GENERAL ADMINISTRATION

ORGCODE - 52004009

Debit Expense Account

Object 910000 - TRANSFER OUT \$ 695,798.96

TO:

FUND 5241, PCS OWDA 1993 SUMMIT

ORGCODE - 52410602

Credit Revenue Account

Revenue Source 280000 - TRANSFER IN \$ 62,318.71

FUND 5242, PCS OWDA 1994

ORGCODE - 52420602

Credit Revenue Account

Revenue Source 280000 - TRANSFER IN \$ 121,802.80

FUND 5243, PCS OWDA 1996

ORGCODE - 52430602

Credit Revenue Account

Revenue Source 280000 - TRANSFER IN \$ 6,195.36

FUND 5244, PCS OWDA 2001

ORG CODE - 52440602

Credit Revenue Account

Revenue Source 280000 - TRANSFER IN \$ 21,504.11

FUND 5245, PCS OWDA 2005 RAVENNA

ORGCODE - 52450602

Credit Revenue Account

Revenue Source 280000 - TRANSFER IN \$ 460,761.06

5246, PCS OWDA 2003 MANTUA

ORGCODE - 52460602

Credit Revenue Account

Revenue Source 280000 - TRANSFER IN \$ 23,216.92

TOTAL TRANSFERS IN \$ 695,798.96

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:

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

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RESOLUTION No. 09-0334 - **RE: ANNUAL TRANSFER - FROM FUND 5600, STS GENERAL ADMINISTRATION TO FUND 5640, STS OWDA 1996 FUND 5642, STS OWDA 2000**

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

WHEREAS, in order to meet the Ohio Water Development Authority (OWDA) loan obligations due in July and December 2009, it is necessary to transfer funds in the amount of \$544,394.90; now therefore be it

RESOLVED, that the following transfer of funds in the amount of \$ 544,394.90 be made as follows:

FROM:	
<u>5600, STS GENERAL ADMINISTRATION</u>	
ORGCODE - 56004009	
Debit Expense Account	
Object 910000 - TRANSFER OUT	\$ 544,394.90
TO:	
<u>5640, STS OWDA 1996</u>	
ORGCODE - 56400602	
Credit Revenue Account	
Revenue Source 280000 - TRANSFER IN	\$ 33,935.42
<u>5642, STS OWDA 2000</u>	
ORGCODE - 56420602	
Credit Revenue Account	
Revenue Source 280000 - TRANSFER IN	\$ 510,459.48
TOTAL TRANSFERS IN	\$ 544,394.90

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

2. Meeting notice for the Mental Health & Recovery Board of Portage County for the meeting on Monday, April 13, 2009, 6:30 PM at the Mental Health & Recovery Board.
3. Invitation from Summit County Port Authority for the Annual Canal Board Captains' Ball on Saturday, June 6, 2009, Fairlawn.

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INCOMING CORRESPONDENCE

DISCUSSION

April 14, 2009

1. April 7, 2009 e-mail from Vickie Steiner, Human Resources Department, regarding Medical Mutual of Ohio wellness subsidy/Journal Entry.
2. April 7, 2009 e-mail from Jon Barber, Office of Homeland Security and Emergency Management, regarding the status of dispatch (FireCom)/Information only.
3. Discussion: Invitation from the Office of Governor Ted Strickland to the American Recovery & Reinvestment Act Information Session on Monday, April 27, 2009 from 10:00 AM-12:00 PM and 12:00 PM to 2:00 PM, University of Akron Student Union/Forwarded to the Grants Administrator.

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JOURNAL ENTRIES

April 14, 2009

1. The Board of Commissioners received the April 10, 2009 correspondence from Robert Park, Director/Service Officer of the Portage County Veterans Service Commission, including the monthly report of departmental activity for the Veterans Service Office for 1st Quarter 2009.
2. Board of Commissioners' signature requested on the April 14, 2009 correspondence to Janet Esposito, Portage County Auditor, requesting collection by certification of the real estate taxes for delinquent sewer charges since December 17, 2007 for \$134,821.07 from Buckeye Portfolio MHC LLC as per Ohio Revised Code Section 6117.33, as presented the Portage County Water Resources Department.
3. Board of Commissioners' signature requested on the April 14, 2009 correspondence to Janet Esposito, Portage County Auditor, requesting collection by certification of the real estate taxes for delinquent sewer charges since December 18, 2007 for \$37,806.00 from Buckeye Portfolio MHC II LLC as per Ohio Revised Code Section 6117.33, as presented the Portage County Water Resources Department.
4. Board of Commissioners' authorization requested to coordinate with the Streetsboro Land Group Ltd. to obtain a permanent easement through the Meadowview Subdivision in the Streetsboro Sanitary Sewer District No. 4 to allow for the installation of sanitary gravity sewer so the County-owned Portage Point pump station could be eliminated as requested by the Water Resources Department.
5. April 9, 2009 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, 2009 as presented by the Portage County Auditor's Office.

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REFERRED

April 14, 2009

1. April 8, 2009 correspondence from Thomas Rehnert, Portage-Geauga Juvenile Detention Center, regarding a transfer of metal detector from Juvenile Court to the Juvenile Detention Center. Referred to Internal Services.
2. Undated correspondence (received April 9, 2009) from Wellington, Bennett & Landski LLC, regarding a public records request. Referred to County Auditor, County Clerk of Courts, County Treasurer and County Prosecutor's Office.

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INFORMATION ONLY

April 14, 2009

1. The Board of Commissioners received the April 10, 2009 Weekly Traffic Advisory as presented by Ohio Department of Transportation.
2. April 6, 2009 correspondence from Team NEO, thanking the Board for submitting a nomination for the NEOTEC in the category of Asset Creation in the third annual Team NEO Economic Development Impact Awards.
3. The Board of Commissioners received the April 7, 2009 News Release entitled Mortgage Burning and Blessing to be held at Catholic Charities of Portage County as presented by Catholic Charities.
4. April 2, 2009 correspondence from Drew West, The Trident Group, regarding security services.

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Journal Entry

April 14, 2009

Motion by Maureen T. Frederick, seconded by Christopher Smeiles to approve the following actions:

1. The Board of Commissioners acknowledged the receipt of the April 10, 2009 correspondence from Robert Park, Director/Service Officer of the Portage County Veterans Service Commission, including the monthly report of departmental activity for the Veterans Service Office for 1st Quarter 2009.
2. The Board of Commissioners signed the April 14, 2009 correspondence to Portage County Auditor Janet Esposito requesting collection by certification of the real estate taxes for delinquent sewer charges at 4364 Sandy Lake Road in Rootstown Township (Parcel No. 32-017-00-00-036-001) since December 17, 2007 for \$134,821.07 from Buckeye Portfolio MHC LLC, in accordance with Ohio Revised Code Section 6117.33, as recommended by Portage County Water Resources Department Director Harold Huff.
3. The Board of Commissioners signed the April 14, 2009 correspondence to Portage County Auditor Janet Esposito requesting collection by certification of the real estate taxes for delinquent sewer charges at 3560 Waterloo Road in Randolph Township (Parcel No. 28-057-00-00-009-000) since December 18, 2007 for \$37,806.00 from Buckeye Portfolio MHC II LLC, in accordance with Ohio Revised Code Section 6117.33, as recommended by Portage County Water Resources Department Director Harold Huff

4. The Board of Commissioners accepted the recommendation of Director Harold Huff and authorized the Portage County Water Resources Department to coordinate with the Streetsboro Land Group Ltd. of Parma Heights to obtain a permanent easement through the Meadowview Subdivision, located in Streetsboro Sanitary Sewer District No. 4, to allow for the installation of sanitary gravity sewer to eliminate the county-owned Portage Pointe pump station.
5. The Portage County Employee Health Plan has received a subsidy from Medical Mutual of Ohio to use towards a worksite wellness program. This subsidy is to help improve the health and wellness of employees at our workplace. Today, the Board of Commissioners acknowledged the receipt of the Medical Mutual of Ohio Wellness Subsidy in the amount of \$12,079.60 and assigned the funds specifically for wellness initiatives and incentives, as determined by the Portage County Worksite Wellness Committee and authorized by Medical Mutual.
6. The Board of Commissioners acknowledged the receipt of the April 9, 2009 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, 2009, as presented by the Portage County Auditor.
7. The Board of Commissioners signed the Personnel Action Form authorizing a rate increase from \$12.76/hour to \$13.79/hour after the successful completion of probation, CORE Training and six months experience for Alexandra Toth, Social Service Worker 3 for the Portage County Department of Job & Family Services, effective March 2, 2009, as presented by Human Resources Department Director Karen U’Halie and approved by Department of Job & Family Services Director Anita Herington.
8. The Board of Commissioners acknowledged the receipt of the “Notice to Employees” from the State Employment Relations Board regarding the proposed decertification of Teamsters Local 436 (Portage County Motor Pool).

Noting that on April 2, 2009, the Commissioners authorized the hire of Attorney Ron Habowski as the lead negotiator representing Portage County in the upcoming Motor Pool labor negotiations with Teamsters Local 436, the Board forwarded the Notice to Attorney Habowski and directed the immediate posting of the notice at the Portage County Motor Pool, on the 6th Floor Administration Building Human Resources Department bulletin board and the Commissioners’ 7th Floor Administration bulletin board.

All in favor, motion carries.

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We do hereby certify that the foregoing is a true and correct record of the Portage County Board of Commissioners’ meeting on **April 14, 2009**. There being no further business to come before the Board, it was moved by Maureen T. Frederick, seconded by Christopher Smeiles to adjourn the official meeting at **2:26 PM**. All in favor, motion carries.

Charles W. Keiper II, President

Maureen T. Frederick, Vice President

Christopher Smeiles, Board Member

Deborah Mazanec, Clerk

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