



County Engineer Mickey Marozzi addressed the Board, noting that the Storm Water Steering Committee is attending today to update the Board of Commissioners on the proposal for the Portage County Storm Water District. The Steering Committee was tasked with the development of a funding program for long-term sustainable management of the Portage County Storm Water Program. The Board of Commissioners hired ms Consultants to the develop the program and assist in the creation of a District as required by the Ohio EPA under the Phase II Storm Water Program. The best way to fund this program is with the creation of a utility, since this is an unfunded mandate.

Shawn Arden noted that Portage County must comply with the performance measures set by the state or face a \$10,000 per violation/per day fine or \$30,000/day for the public involvement, illicit discharge detection and elimination and construction storm water management measures. Mr. Arden added that at least one county will be fined to set the example statewide. He noted that the Ohio EPA is being pushed by the US EPA. County Engineer Marozzi added that Portage County is making reasonable progress and should avoid a fine situation.

The proposed District will include Portage County and all Townships in accordance with ORC 6117. Villages and cities will have to contract with Portage County since services needed differ. They may participate as co-permittees. The proposed user fee may be paid in one of three ways: a property tax, added to an existing water/sewer bill or as an individual billing system that would be expensive to set up. The Committee recommends a property tax based on the Equivalent Residential Units (ERU) concept. Mr. Arden noted that this is not a ballot issue; the required public hearings will allow the public to comment.

Mr. Arden explained the proposed budget of \$1,910,000 for this program, which will be collected with a \$3.00/month user fee and is consistent with other programs statewide. The budget includes funding for the Portage County Engineer, the Health Department, Soil & Water, Prosecutor's Office and preservation and prevention projects. The Board of Commissioners asked for a breakdown of the budget, which Mr. Arden will provide. Commissioner Keiper asked if the Portage County Building Department should be included as a budget item? Mr. Arden responded that the District does not have authority to address issues for parcels affected by neighbors. The program does not include funding for flood control/water quantity needs but addresses water quality. Mr. Arden advised the Board of Commissioners that ms Consultants has identified impervious areas on each parcel county wide and has determined that the typical single family residence has 5800 square feet of impervious surface (buildings, sheds, sidewalks, driveways, etc.). All district requirements are based on the quality of water and not quantity. One ERU flat rate will be applied to single family residences, condominiums and agricultural parcels; one ERU flat rate will be applied to each residential unit in a multi-family structure, apartments, and mobile home parks; and ERU flat rate will be applied. For each 5,800 SF of impervious area for commercial and industrial parcels, public property (excluding federal property and street rights of way), churches, hospitals and schools, Mr. Arden noted that there will be credits available for non-residential parcels for implementing programs above and beyond the current regulations. Mr. Arden suggested that ms Consultants projects the identification of 60,000 ERUs at completion of the project. The Board of Commissioners agreed that the education for this program should begin this month, using language approving a "not-to-exceed \$3.00/month" charge per ERU. Commissioner Frederick asked if there will be discounts for senior citizens; Mr. Arden responded no. Commissioner Keiper asked if the \$3.00/month will cover the program costs for the five-seven years since he does not want to raise the rate in the near future. Mr. Marozzi responded that the \$3.00/month charge will cover the program. The charge can be assessed once the program begins and lowered if necessary.

Mr. Arden explained that the Storm Water Steering Committee will meet with the Portage County Auditor just prior to their June 11<sup>th</sup> committee meeting to discuss the assessment process for the property tax billings. A public meeting is scheduled at the Engineer's Facility on June 25<sup>th</sup> at 6:00 PM and the Storm Water District

Brochure will be distributed with a FAQ sheet to include the Portage County 800 number. The required public hearings are scheduled for July 16, 2009 and July 23, 2009.

Mr. Arden asked that the Board of Commissioners be prepared to take immediate action after the July 23<sup>rd</sup> public hearing on the creation of the District.

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**PORTAGE WATER IMPROVEMENT DISTRICT PRESENTATION**

Present: David Gross, Sahbra Farms; Robert Heath, Kent State University; Karen Wise, Davey Resource Group; Jim White, Cuyahoga River Remedial Action Plan; Attorney Joe Koncelik; Mickey Marozzi, County Engineer; Chip Porter, Health Commissioner; Harold Huff, Water Resources Department; James Bierlair, Portage Soil & Water Conservation Office; Leigh Prugh, Portage County Prosecutor’s Office; Shawn Arden and Heather Seitz, ms Consultants; Jennifer White, Heidi VonStein and Andrew Silling, Portage Soil & Water Conservation District; Mike Sever, Record-Courier

Mr. Gross explained his proposal to create a regional water quality trading (a recently developed tool that allows the marketplace to solve the economic inefficiencies involved in improving water quality on a point-by-point basis) program and a conservancy district, a political subdivision created under ORC chapter 6101 formed to solve water management problems i.e. flooding (the Portage Water Improvement District) for all of Portage County to generate funds to mitigate flooding and pollution, to preserve land, storm water issues.

Mr. Gross added that this would create an environmental service business where the cost is 1/10 of the cost of what purchaser will pay. Commissioner Frederick asked which entity would administer this program? Mr. Gross responded that there will be district staff paid for by the district. The process is to establish the district, which is overseen by the Courts, and take the allowable two years to work out the details.

Commissioner Smeiles noted the letter of support from NEFCO and the Ohio EPA.

Commissioner Frederick asked how many districts are in Ohio? David Gross responded 20. Commissioner Frederick asked if this proposal is this ancillary to the storm water program? Shawn Arden responded yes, this would be an ancillary program to the storm water program. He added that he would hesitate to run a storm water program with income generated by a program like this. Entities will try not to pay a transaction fee as proposed. Mr. Gross responded that the aggregating of all projects is key to the program when there is no backup in place.

Robert Heath, Kent State University, added that entities may be able to find another solution but the agency selling the credits must prove that the water quality is being achieved; you cannot just sell the credit. Shawn Arden related this program to the existing wetland mitigation program. The polluter has two options; spend money to make the compliance or buy credits at a lesser cost from the district.

Commissioner Frederick asked what the benefit is for homeowners? Attorney Koncelik replied that the benefit to the homeowner is that credits are purchased rather than a more expensive payment made for improved technology.

Chip Porter noted that NEFCO supported the concept of water quality trading, not this project in particular. He added that the 20 conservancy districts do not all deal in water credits. This is a symbiotic program that can piggyback on the storm water program. Attorney Koncelik added that the Board of Commissioners will shape the district.

Commissioner Smeiles stated that the Portage County court establishes the district after the receipt of a petition from the Board of Commissioners. Attorney Leigh Prugh noted that she is not certain that the Board of Commissioners has the authority to sign this petition; she cannot see that language in the statute. Commissioner Frederick stated that she would prefer to proceed after the Prosecutor's Office makes comment.

Mickey Marozzi asked if there are 20 conservancy districts in Ohio, do any have active water conservation districts? Mr. Gross responded no. Mr. Marozzi asked if this district is created, gets an EPA loan and fails, who repays the EPA? Mr. Gross responded that the risk is minimal since the demand is so great.

Commissioner Keiper stated that the Board of Commissioners does not have the authority to create this district; the Board simply signs the petition. The court will accept the Board of Commissioners petition and the court will create the district, which will serve the community in saving money. Mr. Gross added that the Ohio EPA is willing to loan a large amount of money with no interest for a number of years shows that the EPA wants this to happen. This project will entice other governmental entities to give grant funds towards the district. Robert Heath noted that the risk is a concern and is a reasonable question to ask about. This is not risk free but it is very low; the question is because the risk is so low compared to the benefits. The request here today is to have the Board of Commissioners sign the petition to the Common Pleas Court to create the District/Journal Entry.

The Board of Commissioners agreed to sign the Petition contingent upon the Prosecutor's review. Attorney Prugh to research the ORC and advise the Board of Commissioners of her comments.

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**RESOLUTION No. 09-0505 - RE: BILLS APPROVED AND CERTIFIED TO THE PORTAGE COUNTY AUDITOR FOR PAYMENT.**

It was moved by Christopher Smeiles, seconded by Maureen T. Frederick 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 June 4, 2009 in the total payment amount of **\$452,780.30 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:

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

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**RESOLUTION No. 09-0506 - RE: WIRE TRANSFER APPROVED AND CERTIFIED TO THE**

**PORTAGE COUNTY AUDITOR FOR PAYMENT.**

It was moved by Christopher Smeiles, seconded by Maureen T. Frederick 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 June 4, 2009 in the total payment amount as follows:

1. \$144,890.26 for Medical Mutual Claims-Fund 7101; and
2. \$1,000.00 for MHM Resources, Inc for processing claims for Medical Mutual; and

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 authorizes the wire transfer for the charges relating to health benefits, as presented by the Portage County Auditor's Office:

Wire Transfer on Friday, June 5, 2009	\$ 144,890.26
Wire Transfer on Friday, June 5, 2009	\$ 1,000.00

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 II, Yea;                      Maureen T. Frederick, Yea;                      Christopher Smeiles, Yea;

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**RESOLUTION No. 09-0507                      -                      RE:                      APPROVAL OF JOURNAL VOUCHERS/ENTRIES.**

It was moved by Christopher Smeiles, seconded by Maureen T. Frederick 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:

06/04/09	156	\$ 5,403.30
06/04/09	115	9,572.73
Total		\$ 14,976.03

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 II, Yea;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

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**RESOLUTION No. 09-0508**

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**RE: ACCEPTANCE OF THEN AND NOW CERTIFICATIONS FOR PAYMENT.**

It was moved by Christopher Smeiles, seconded by Maureen T. Frederick 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 **\$13,651.50** as set forth in Exhibit “A” dated **June 4, 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





6. Resolution to appoint Nelson Burns to the GAPP WIB./09-509
7. Resolution to appoint Commissioner Maureen T. Frederick as the Local Elected Official (LEO) for Portage County in the regional workforce investment area known as Geauga-Ashtabula-Portage-Partnership (GAPP) for the 2009-2010 program year beginning July 1, 2009-June 30, 2010./09-510

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**INVITATIONS/MEETING NOTICES**

June 4, 2009

1. The Board of Commissioners received the Save the Date Card for the Cuyahoga River Segment Dedication on Saturday, June 6, 2009 at 11:00 AM in Fred Fuller Park.
2. Notice of the June 24, 2009 Economic Development Finance Conference in Columbus.
3. The Board of Commissioners received a notice from the International Economic Development Council for the Reno-Tahoe Renewable Communities 2009 Annual Conference Sunday-Wednesday, October 4-7, 2009 Reno, NV.

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**INCOMING CORRESPONDENCE**

**DISCUSSION**

June 4, 2009

1. May 26, 2009 correspondence from Stephen Heppe, Portage County Farm Bureau, regarding policy development process. Does the Board wish to have the Farm Bureau address any policies on its behalf during the Policy Development Meeting on Tuesday, June 9, 2009/Each Commissioner to reply/Clerk to check the time of the meeting on June 9<sup>th</sup> should the Board of Commissioners wish to attend.
2. June 2, 2009 correspondence from The 2009 Employee Appreciation Day Committee, regarding the Casino night on Saturday, August 22, 2009: (1) Elected Official attendance and donations are requested and (2) Twelve Dealers are needed at the event/The Commissioners will consider serving as dealers.

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**JOURNAL ENTRIES**

June 4, 2009

1. The Board of Commissioners received the Portage County Common Pleas Probate/Juvenile Division 2008 Annual Report, as presented by Judge Thomas Carnes.
2. Board of Commissioners' authorization requested to allow Director Jon Barber to sign the reimbursement request for the FY07 Citizen Corps Program Grant Activities Cash Request report (Agreement No. E104-08-046, CFDA: 97.067, Grant: DPSF-E104) for \$6,500.00 as presented by Director Jon Barber, Office of Homeland Security and Emergency Management Agency. Documents reviewed by Carol Kurtz, Internal Auditor noting the amounts are supported by copies of receipts, statements and Portage County Flexible Period Reports. The report appears to be complete and accurate.

3. Does the Board wish to allow the Portage Park District use of the Portage County Administration Building's 1<sup>st</sup> floor lobby bulletin board to post the Wild Hikes Challenge from June 4, 2009-October 17, 2009.
4. The Board of Commissioners received the Portage County District Library and Library Consortium's Proposed FY2010 Tax Budget dated May 21, 2009.
5. The Board of Commissioners received the Portage/Geauga Juvenile Detention Center Proposed FY2010 Tax Budget dated May 14, 2009.
6. The Board of Commissioners received the Weekly Report of Kennel population for the week ending May 31, 2009 as presented by Dave McIntyre, Dog Warden. The Board of Commissioners acknowledged the receipt of \$350 in Court Donations.

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**REFERRED**

June 4, 2009

1. May 29, 2009 letter of interest from Robert Paoloni in serving on the Portage County Regional Airport Board. Referred to Executive Assistant.
2. June 1, 2009 correspondence from Dave McIntyre, Dog Warden, regarding donations. Referred to Internal Auditor for preparation of the Resolution.

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**INFORMATION ONLY**

June 4, 2009

1. Akron Regional Air Quality Management District May 2009 Newsletter, Volume 24, Issue 2.
2. University Hospitals Annual Report, May 2009.
3. Portage County Regional Airport April 8, 2009 meeting minutes.
4. Hiram Topics from the desk of Thomas V. Chema received June 1, 2009.
5. May 28, 2009 correspondence from Thomas V. Chema, Hiram College, thanking the Board for its support for the Village of Hiram's community development block grant application for funds to assist in the demolition of the old Hiram School.
6. May 29, 2009 correspondence from Mickey Marozzi to Todd Lamb, regarding Coit Road Bridge petition.
7. May 29, 2009 e-mail from Dawn Pechman, regarding Advance Northeast Ohio website.
8. June 2, 2009 correspondence from David Doak, regarding the transfer of LTV van. (Referred to Internal Services).

9. June 2, 2009 correspondence from Rosemary Nicholas, Portage County Township Association, regarding the 9-1-1 Technical Advisory Committee.
10. The Board of Commissioners received the June 2, 2009 Traffic Advisory for Portage & Trumbull Counties as presented by Ohio Department of Transportation.

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**PROSECUTOR**

June 4, 2009

1. May 29, 2009 confidential correspondence from Attorney Leigh Prugh to Water Resources Department Director Harold Huff regarding the proposed agreement between the Board of Commissioners and Thoma Technologies, Inc./Ask Water Resources Department Director Harold Huff to comment at his June 9<sup>th</sup> meeting with the Board of Commissioners.
2. May 29, 2009 correspondence from Attorney Denise Smith to County Auditor Janet Esposito including the audit for the Board of Commissioners for the period ending May 29, 2009.

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**Journal Entry**

June 4, 2009

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

1. The Board of Commissioners acknowledged the receipt of the Portage County Common Pleas Probate/Juvenile Division 2008 Annual Report, as presented by Judge Thomas Carnes.
2. The Board of Commissioners authorized Director Jon Barber to sign the reimbursement request for the FY07 Citizen Corps Program Grant Activities Cash Request report (Agreement No. E104-08-046, CFDA: 97.067, Grant: DPSF-E104) for \$6,500.00, as presented by Director Jon Barber, Office of Homeland Security and Emergency Management Agency. Documents reviewed by Carol Kurtz, Internal Auditor noting the amounts are supported by copies of receipts, statements and Portage County Flexible Period Reports. The report appears to be complete and accurate.
3. The Board of Commissioners approved the use of the Portage County Administration Building's 1<sup>st</sup> floor lobby bulletin board to post the Wild Hikes Challenge from June 4, 2009-October 17, 2009, as presented by the Portage Park District. The Board of Commissioners also authorized the Park District to hang the notice of the July 11<sup>th</sup> Headwaters Adventure Race and Fitness Walk.
4. The Board of Commissioners acknowledged the receipt of the Portage County District Library and Library Consortium's Proposed FY2010 Tax Budget dated May 21, 2009, as presented by the Office of the Board of Library Trustees.
5. The Board of Commissioners acknowledged the receipt of the Portage/Geauga Juvenile Detention Center Proposed FY2010 Tax Budget dated May 14, 2009, as approved by the Joint Board of Trustees.

