



Present: Mike Sharb

1. A resolution providing for the issuance and sale of **\$4,250,000.00** 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./09-822**
2. A resolution providing for the issuance and sale of **\$1,550,000** 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./09-823**
3. A resolution providing for the issuance and sale of **\$400,000** 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./09-824**
4. A resolution providing for the issuance and sale of **\$1,266,000** of bonds to pay a portion of the costs of improving Portage County Regional Sewer District by constructing Project No. RA-3 (05-020), **State Route 44 Vacuum Sewer Installation./09-825**

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**INTERNAL SERVICES**

Present: JoAnn Townend

**DISCUSSION:**

1. In-County mileage reimbursement form. JoAnn will distribute printed and electronic versions. Journal Entry approval done September 8, 2009.

**RESOLUTIONS:**

1. Enter into a lease agreement with WIC Portage County./09-837
2. Enter into a lease agreement with WIC Columbiana County./09-838
3. Enter into an agreement with AT & T DataComm for a five year 911 maintenance and service plan./09-839
4. Enter into a resignation agreement and release for Tony Nagella./09-840
5. Designation of Financial Institution as a depository of public moneys of the County of Portage./09-842

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**GENERAL SERVICES**

Present: Jim Manion

1. Discussion concerning correspondence received from the City of Kent regarding the stairs at Kent Muni Court./**Journal Entry**. The Board of Commissioners authorized the Maintenance Department to get quotes for repair of the outside stair and railing on the south side of the Kent Muni Court in order to come into compliance with the City of Kent's Building Department regulations.
2. Riddle Block walk through with Inspector Dan Peterson (RFD) yesterday. Extended inspection to be scheduled for October.
3. I will be serving as hearing officer today at The Woodlands and September 24<sup>th</sup> at Adult Probation.

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**JOB & FAMILY SERVICES**

Present: Anita Herington

- I. PRC Plan & Resolution/09-841 Back up documents have changed.
- II. PCSA Administrator presented "Public/Private Partnership in the Adoption of Older Youth" at the North American Council on Adoptable Children Annual Conference (see attached)
- III. Food Assistance, OWF & Medicaid Statistics for Portage County (see attached)
- IV. CSEA Performance – August 2009 (see attached)  
Workforce
- V. Publicity (see attached)
- VI. Other

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**RESOLUTION No. 09-0822** - **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 Christopher Smeiles, seconded by Maureen T. Frederick 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 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 notes were retired at maturity with a portion of the proceeds of \$4,250,000 of notes (the Outstanding Notes) issued in anticipation of bonds pursuant to Resolution No. 08-0935, adopted on September 16, 2008, as part of a consolidated issue of \$8,300,000 Various Purpose Notes, Series 2008, which Outstanding Notes mature on October 2, 2009; 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

**WHEREAS,** the County Auditor, as fiscal officer of the 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, 2010, 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, 2011.

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 and to retire 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 any date not later 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 6% 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. Sale of the Notes. The Notes shall be sold to George K. Baum & Company at a purchase price of 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.



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

**WHEREAS,** pursuant to Resolution No. 08-0937, adopted on September 16, 2008, there were issued \$1,650,000 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 \$8,300,000 Various Purpose Notes, Series 2008, which Outstanding Notes mature on October 2, 2009; 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 the 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 October 2, 2028;

**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 \$1,550,000 (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.

Section 2. Estimated Bond Terms. The Bonds shall be dated approximately September 1, 2010, 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, 2011.

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 \$1,550,000 (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 any date not later 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 6% 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. Sale of the Notes. The Notes shall be sold to George K. Baum & Company at a purchase price of 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 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.

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:

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

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**RESOLUTION No. 09-0824**

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**RE:**

**A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$400,000 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 Christopher Smeiles, seconded by Maureen T. Frederick that the following Resolution be adopted:

**WHEREAS,**

pursuant to Resolution No. 08-0938, adopted on September 16, 2008, there were issued \$500,000 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 \$8,300,000 Various Purpose Notes, Series 2008, which Outstanding Notes mature on October 2, 2009; 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 the 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 October 2, 2018;

**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 \$400,000 (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, 2010, 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, 2011.

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 \$400,000 (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 any date not later 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 6% 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. Sale of the Notes. The Notes shall be sold to George K. Baum & Company at a purchase price of 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:

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

\* \* \* \* \*  
**RESOLUTION No. 09-0825 - RE: A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$1,266,000 OF BONDS TO PAY A PORTION OF THE 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 Christopher Smeiles, seconded by Maureen T. Frederick that the following Resolution be adopted:

**WHEREAS,** pursuant to Chapter 6117 of the Revised Code, this Board has by proper legislation created the Portage County Regional Sewer District (the District); and

**WHEREAS,** pursuant to Section 6117.06 of the Revised Code, this Board has by proper legislation approved a general plan of sewage disposal for the District; and

**WHEREAS,** this Board has previously determined to improve the District by constructing Project No. RA-3 (05-020), State Route 44 Vacuum Sewer Installation (the Project); and

**WHEREAS,** the County has received commitments from the United States of America, acting by and through the United States Department of Agriculture (the Federal Government), for a loan in the amount of \$1,266,000 and a grant in the amount of \$500,000, each of which will be applied by the County towards the cost of constructing the Project; and

**WHEREAS,** this Board has taken the proceedings provided for in Chapter 6117 of the Revised Code to provide for the payment of costs of constructing the Project from funds derived from the imposition of rates, rentals and charges for the services of the District; and

**WHEREAS,** pursuant to Resolution No. 07-0917, adopted on September 18, 2007, there were issued \$2,309,000 of notes in anticipation of the issuance of bonds for the purpose set forth in Section 2 as part of a consolidated issue of \$6,700,000 Various Purpose Notes, Series 2007, which notes were retired at maturity, together with other funds available to the County, with the proceeds of \$1,900,000 of notes (the Outstanding Notes) issued in anticipation of the issuance of bonds for the purpose set forth in Section 2 pursuant to Resolution No. 08-0936, adopted on September 16, 2008, as part of a consolidated issue of \$8,300,000 Various Purpose Notes, Series 2008, which Outstanding Notes mature on October 2, 2009; and

**WHEREAS,** this Board hereby finds, determines and declares that it is necessary to provide for the retirement of the Outstanding Notes and to provide the necessary instruments to evidence the funds to be loaned to the County by the Federal Government to provide permanent financing for a portion of the costs of constructing the Project; and

**WHEREAS,** this Board further finds, determines and declares that it is currently necessary and proper for this Board to authorize the issuance of the "Sewerage System Improvement Revenue Bonds, Series 2009" in the aggregate principal amount of \$1,266,000 (the Series 2009 Bonds), pursuant to Section 133.08 of the Revised Code, and other authorizing provisions

of law, for the purpose of providing a portion of the funds needed to retire the Outstanding Notes, and the Series 2009 Bonds, together with the County's outstanding Sewerage System Improvement Revenue Bonds, Series 2007 (the Series 2007 Bonds), any additional bonds subsequently issued on a parity therewith (the Additional Bonds, and, together with the Series 2007 Bonds and the Series 2009 Bonds, the Bonds), are to be secured by a pledge of the Net Revenues of the District as provided for herein; and

**WHEREAS,** the Federal Government has agreed to purchase the Series 2009 Bonds; and

**WHEREAS,** this Board hereby finds, determines and declares that all conditions of the Federal Government precedent to the issuance and sale of the Series 2009 Bonds either have been met or can be met prior to the expected loan closing date of October 1, 2009; and

**WHEREAS,** the County Auditor, as fiscal officer of the County, has certified to this Board that the estimated life or period of usefulness of the improvement is at least five years and the maximum maturity of the Bonds described in Section 2 is 40 years;

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

Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Resolution, unless the context or use clearly indicates another or different meaning or intent:

“Act” means Chapter 133 of the Revised Code and, in particular, Section 133.08 thereof, together with Section 6117.25 of the Revised Code.

“Additional Bonds” means those bonds which may be authorized by subsequent resolution(s) of this Board and issued from time to time pursuant to those resolution(s) and in accordance with Section 10 and secured by a lien upon the Net Revenues on a parity with the Series 2007 Bonds and the Series 2009 Bonds.

“Auditor” means the County Auditor of the County.

“Authorized Denominations” means the denomination of \$100 or any integral multiple thereof.

“Board” means the Board of County Commissioners of the County.

“Bond Register” means all books and records necessary for the registration, exchange and transfer of the Series 2009 Bonds as provided in Section 6.

“Bond Registrar” means initially the Auditor acting as the bond registrar, transfer agent and paying agent for the Series 2009 Bonds as provided in Section 6.

“Bond Reserve Fund” means the Portage County Regional Sewer District Bond Reserve Fund created in Section 8 of the Series 2007 Bond Resolution.

“Bond Reserve Requirement” means, with respect to the Series 2009 Bonds, an amount that is equal to the average annual Bond Service Charges on the Series 2009 Bonds in those years in which principal and interest are payable and, with respect to any Additional Bonds, an amount for which provision is made in the resolution authorizing the issuance of those Additional Bonds; provided, however, the applicable Bond Reserve Requirement shall never exceed the lesser of (a) 10% of the proceeds of the Bonds secured thereby determined in accordance with Section 148(d) of the Code, (ii) the maximum annual Bond Service Charges on all outstanding Bonds secured thereby or (iii) 125% of the average annual Bond Service Charges on the outstanding Bonds secured thereby.

“Bond Service Charges” means the principal (as payable at stated maturity or by redemption), interest and any redemption premium required to be paid by the County on the Bonds, and includes any mandatory sinking fund requirements.

“Bond Service Fund” means the Portage County Regional Sewer District Bond Service Fund created in Section 8 of the Series 2007 Bond Resolution.

“Bonds” means, collectively, the Series 2007 Bonds, the Series 2009 Bonds and any Additional Bonds.

“Closing Date” means October 1, 2009, or any other date agreed to by the Auditor and the Federal Government, but such date shall not be later than October 2, 2009.

“Code” means the Internal Revenue Code of 1986, the Treasury Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, any amendments of, or successor provisions to, the foregoing, and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a section of the Code includes any applicable successor section or provision and such applicable Treasury Regulations, rulings, announcements, notices, procedures and determinations pertinent to that section.

“Construction Fund” means the Portage County Regional Sewer District Construction Fund created in Section 8 of the Series 2007 Bond Resolution.

“County” means Portage County, Ohio.

“Federal Government” means the United States of America, acting by and through the United States Department of Agriculture.

“Fiscal Year” means a period of 12 consecutive months commencing on the first day of January of any year and ending on the last day of December of that year, or, as to be evidenced by a certificate of the Auditor, such other consecutive 12-month period as may hereafter be established as the fiscal year for District budgeting, appropriations and accounting purposes.

“Interest Payment Dates” means October 1 of each year that the Series 2009 Bonds are outstanding, commencing on October 1, 2010, or any other date agreed to by the Auditor and the Federal Government.

“Improvements” means any improvements, additions, replacements or extensions to the District, including real estate and interests in real estate, buildings, structures, fixtures and facilities and additions, and machinery, equipment, furniture and other personal property.

“Loan Resolution” means Resolution No. 07-0637 (RUS Bulletin 1780-27), adopted by the Board on July 10, 2007, providing for the sale of the Series 2009 Bonds to the Federal Government.

“Net Revenues” means Revenues less Operating Expenses.

“Operating Expenses” means all expenses for the operation, maintenance, administration and ordinary current repairs of the District necessary in order to maintain and operate the District in a reasonable and prudent manner, and including items normally included as essential expenses in the operating budget of governmentally-owned sanitary sewer systems, and further including, without limitation, insurance premiums, the County’s administrative expenses allocable to the District (including, without limitation, engineering, architectural, legal, consulting and accounting fees and expenses), costs of meeting the County’s continuing disclosure commitments, any taxes or assessments, whether general or special, that are lawfully imposed on the District or on the revenue or income derived from the operation of the District, charges for electricity, telephone and other public or private utility services, any penalty or fine imposed on the County by any governmental or regulatory authority arising from the County’s manner of operation of the District (except to the extent, if any, such penalty or fine is subordinated to the payment of Operating Expenses and Bond Service Charges), and fees and expenses of the Bond Registrar and any authenticating and paying agents, fees and expenses of any independent engineers, architects, consultants, accountants and attorneys retained by the County from time to time to perform and carry out duties imposed on the County by this Resolution, and other expenses related to the foregoing, all as determined (except as otherwise specified in this definition) in accordance with standard principles of governmental utility accounting. Operating Expenses shall not include: (a) Bond Service Charges or amounts used to pay debt service on Other District Indebtedness; or (b) any allowance for amortization or depreciation of the District; or (c) expenditures for capital replacements having an estimated life or usefulness and cost that exceeds minimum standards established by the County’s accounting policies, and engineering, architectural, legal, consulting and accounting fees and expenses incurred in connection with those expenditures.

“Operating Reserve” means an amount equal to one-sixth of the Operating Expenses of the District for the 12 consecutive, calendar months next preceding the date such amount is calculated.

“Other District Indebtedness” means general obligation indebtedness issued or incurred by the County to provide money to pay costs of Improvements or to fund, refund or retire Other District Indebtedness or Bonds previously issued.

“Outstanding Notes” means the \$1,900,000 of notes issued in anticipation of the issuance of bonds for the purpose set forth in Section 2 pursuant to Resolution No. 08-0936, adopted on September 16, 2008, as part of a consolidated issue of \$8,300,000 Various Purpose Notes, Series 2008, which mature on October 2, 2009.

“Pledged Funds” means collectively the Revenue Fund, the Bond Service Fund and the Replacement and Improvement Fund and, with respect to the Series 2007 Bonds, the Series 2007 Bond Reserve Account in the Bond Reserve Fund, with respect to the Series 2009 Bonds, the Series 2009 Bond Reserve Account in the Bond Reserve Fund or, with respect to a series of Additional Bonds, the applicable amount in the Bond Reserve Fund created for that series of Additional Bonds in the resolution authorizing that series of Additional Bonds.

“Project” means Project No. RA-3 (05-020), State Route 44 Vacuum Sewer Installation.

“Prosecutor” means the County Prosecutor of the County.

“Registered Holder” means each person in whose name a Bond is registered on the Bond Register.

“Replacement and Improvement Fund” means the Portage County Regional Sewer District Replacement and Improvement Fund created in Section 8 of the Series 2007 Bond Resolution.

“Revenue Fund” means the Portage County Regional Sewer District Revenue Fund created in Section 8 of the Series 2007 Bond Resolution.

“Revenues” means all revenues received by or on behalf of the County from or in connection with the ownership, operation, use and services of the District including, without limitation, any investment income realized from any investment made from any money credited to the Revenue Fund, the Bond Service Fund, the Bond Reserve Fund and the Replacement and Improvement Fund, all rates, charges, rentals and other income related to the District and received by the County or accrued to the County, and other money pledged in this Resolution, to be deposited in the Revenue Fund, all as determined (except as otherwise specified in this definition) in accordance with standard principles of governmental utility accounting, together with any other money deposited by the County in the Revenue Fund or the Bond Service Fund other than from other Pledged Funds or the proceeds of Bonds or Other District Indebtedness. Revenues do not include (a) any income resulting from investment of money on deposit in the Construction Fund, (b) proceeds of Bonds or Other District Indebtedness, (c) proceeds of the sale of any portion of the District or the profit or loss from the sale or other disposition, not in the ordinary course of business, of any fixed or capital assets of the District, or (d) proceeds of insurance (other than insurance that provides for lost Revenues when the District is unable to function) or eminent domain proceedings.

“Series 2007 Bonds” means the County’s Sewerage System Improvement Revenue Bonds, Series 2007, currently outstanding in the aggregate principal amount of \$2,378,000, and issued pursuant to the Series 2007 Bond Resolution.

“Series 2007 Bond Resolution” means Resolution No. 07-0953, adopted by the Board on September 25, 2007, authorizing the issuance of the Series 2007 Bonds.

“Series 2009 Bonds” means the bonds authorized pursuant to Section 2.

“Treasurer” means the County Treasurer of the County.

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 2. Authorized Principal Amount and Purpose; Application of Proceeds. It is necessary and determined to be in the County’s best interest to issue bonds of the County in an aggregate principal amount of \$1,266,000 for the purpose of paying a portion of the costs of improving the Portage County Regional Sewer District by constructing Project No. RA-3 (05-020), State Route 44 Vacuum Sewer Installation. The Series 2009 Bonds shall be issued pursuant to the Act and this Resolution.

The proceeds from the sale of the Series 2009 Bonds shall be allocated and deposited as follows:

- (a) To the County’s bond retirement fund, in addition to other available monies of the County, an amount necessary to retire the Outstanding Notes; and
- (b) The balance, to the Construction Fund to be applied to pay costs of the Project and costs of issuance of the Series 2009 Bonds.

The proceeds from the sale of the Series 2009 Bonds shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Series 2009 Bonds are being issued.

Section 3. Findings in Respect of the Loan Resolution. This Board hereby finds, determines and declares that the period of usefulness of the Project is at least 40 years from the Closing Date; and further finds, determines, declares, ratifies and confirms its acceptance of the loan and the grant referred to in the preambles hereto and all actions of County officials and others relating to the application for and acceptance of said loan and grant, including all actions of any and all County officials relating thereto.

In accordance with the Loan Resolution, the terms and provisions of which are hereby incorporated herein, rates and charges for the services of the District have been fixed in an amount sufficient to pay the costs of operating and maintaining the District and also to provide an amount of revenues adequate to meet the payment of the Bond Service Charges

on the Bonds, bond reserve requirements, and all other requirements provided herein, and to otherwise comply with the covenants herein.

Section 4. Terms of the Series 2009 Bonds.

(a) Designation, Form and Numbering. The Series 2009 Bonds shall be designated as "County of Portage, Ohio, Sewerage System Improvement Revenue Bonds, Series 2009". The Series 2009 Bonds shall be issued in fully registered form only, shall be transferable and exchangeable for other Series 2009 Bonds in the manner and on the terms provided herein, shall be numbered as determined by the Auditor in order to distinguish each Series 2009 Bond from any other Series 2009 Bond, and the Bond Service Charges on the Series 2009 Bonds shall be payable in lawful money of the United States of America. The Series 2009 Bonds shall be negotiable instruments and shall express upon their faces the purpose for which they are issued and that they are issued pursuant to the Act and this Resolution. The Series 2009 Bonds shall be issued in printed, typewritten or other manuscript form as may be requested by the Federal Government as the original purchaser thereof.

(b) Denomination and Dates. The Series 2009 Bonds shall be issued in one lot and only as fully registered bonds in Authorized Denominations but in no case as to a particular maturity date exceeding the principal amount maturing on that date, provided, however, that because the Series 2009 Bonds are being purchased by the Federal Government, a single 2009 Bond in the aggregate principal amount stated in Section 2 and with installments payable in the amounts and on the dates set forth in this Section may be issued to the Federal Government to represent the Series 2009 Bonds in lieu of a series of serial bonds. The Series 2009 Bonds shall be dated as of their date of issuance.

(c) Interest and Place of Payment. The Series 2009 Bonds shall bear interest at the rate of four and one hundred twenty-five one-thousandths percent (4.125%) per year, on the outstanding principal balance thereof, calculated on the basis of a 365-day year and actual number of days elapsed, which interest shall be payable on each Interest Payment Date until the principal amount thereof is paid. Installments of principal and interest on each Series 2009 Bond shall be payable by check or draft mailed to the persons in whose names such Series 2009 Bond are registered on the Bond Register described in Section 6 of this Resolution (the Registered Holder) at the address shown on the Bond Register; provided that the final payment of all unpaid principal and interest, shall be payable when due upon presentation and surrender of each Series 2009 Bond at the office of the Auditor.

(d) Principal Payment Schedule. The Series 2009 Bonds shall be due and payable on October 1 in the years and in the principal amounts as follows:

<b>Year</b>	<b>Amount</b>	<b>Year</b>	<b>Amount</b>
2010	\$13,000	2030	\$ 29,100
2011	13,500	2031	30,300
2012	13,900	2032	31,400
2013	14,600	2033	32,800
2014	15,200	2034	34,100
2015	15,900	2035	35,600
2016	16,400	2036	36,900
2017	17,200	2037	38,500
2018	17,900	2038	40,100
2019	18,600	2039	41,800
2020	19,300	2040	43,500
2021	20,200	2041	45,300
2022	21,000	2042	47,200
2023	21,900	2043	49,100
2024	22,700	2044	51,100
2025	23,700	2045	53,300
2026	24,700	2046	55,500
2027	25,700	2047	57,700
2028	26,700	2048	60,100
2029	27,900	2049	62,600

(e) Redemption Provisions. The Series 2009 Bonds maturing on or after October 1, 2020, shall be subject to redemption in whole or in part, in integrals of \$100, in inverse numerical order on any date on or after October 1, 2019, at their par value plus accrued interest to the date fixed for redemption; provided, however, that any Series 2009 Bonds registered in the name of the Federal Government may be redeemed in whole or in part at any time in inverse order of principal maturity without premium. Notice of redemption, identifying Series 2009 Bonds or portions thereof, to be called, shall be mailed by certified mail to the Registered Holders thereof not less than 30 days prior to the date of redemption, upon which redemption date all interest upon the Series 2009 Bonds, or portions thereof, so called shall cease except for those as to which default shall be made, upon presentation, in the payment of the redemption price.

(f) Execution. The Series 2009 Bonds shall be signed by at least two members of this Board and the Auditor, in the name of the County and in their official capacities, provided that any or all of those signatures may be a facsimile. Any authority, officer or board which hereafter succeeds, by operation of law, to the powers and duties of any such officer, position or authority shall be deemed included in the applicable official designation while having such powers and duties.

(g) Authentication. No Series 2009 Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the proceedings authorizing the Series 2009 Bonds unless and until the certificate of authentication printed on that Series 2009

Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Series 2009 Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the proceedings authorizing the Series 2009 Bonds. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the County Auditor on behalf of the County. The same person need not sign the certificate of authentication on all of the Series 2009 Bonds.

Section 5. Award and Sale of Series 2009 Bonds. The Series 2009 Bonds are hereby awarded and sold to the Federal Government, on the terms provided for herein, and the Auditor is hereby authorized and directed to deliver the Series 2009 Bonds and take all actions in connection therewith. The Commissioners, or any of them, the Auditor, the Treasurer, the Prosecutor, the Assistant Prosecutor, the Clerk and other County officials, as appropriate, each are 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.

Section 6. Registration; Transfer and Exchange; Lost, Stolen or Destroyed Bonds.

(a) Register and Bond Registrar. So long as any of the Series 2009 Bonds remain outstanding, the County will cause to be maintained and kept, at the office of the Auditor or such other place as may be designated by the Board, the Bond Register and the Auditor shall act as the Bond Registrar for the Series 2009 Bonds; provided, however, that in lieu thereof, the Auditor is hereby authorized to enter into an agreement with a financial institution to perform the duties of the Bond Registrar and the Bond Register may be kept at another office designated by that Bond Registrar. In that event, provision shall be made to provide for the payment of services rendered, together with the reimbursement of expenses, pursuant to an agreement with the Bond Registrar and from funds lawfully available and appropriated or to be appropriated for that purpose. In the event that the Auditor does not initially serve as Bond Registrar and another person is selected to serve as Bond Registrar, the Board shall make that selection prior to the execution and delivery of the Series 2009 Bonds.

(b) Transfer and Exchange. Any Series 2009 Bond may be exchanged for Series 2009 Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Series 2009 Bond may be transferred only on the Bond Register upon presentation and surrender of the Series 2009 Bond at the office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Series 2009 Bond or Series 2009 Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Series 2009 Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the County are required, the Bond Registrar shall undertake the exchange or transfer of Series 2009 Bonds only after the new Series 2009 Bonds are signed by the authorized officers of the County. In all cases of Series 2009 Bonds exchanged or transferred, the County shall sign and the Bond Registrar shall authenticate and deliver Series 2009 Bonds in accordance with the provisions of the proceedings authorizing the Series 2009 Bonds. The exchange or transfer shall be without charge to the owner, except that the County and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The County or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Series 2009 Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the County, evidencing the same debt, and entitled to the same security and benefit under this Resolution as the Series 2009 Bonds surrendered upon that exchange or transfer. Neither the County nor the Bond Registrar shall be required to make any exchange or transfer of (i) Series 2009 Bonds then subject to call for redemption between the 15<sup>th</sup> day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Series 2009 Bond selected for redemption, in whole or in part.

(c) Lost, Stolen or Destroyed Bonds. If the Registered Holder of any Series 2009 Bond claims that such Series 2009 Bond has been lost, destroyed, or wrongfully taken, the Bond Registrar is authorized to cause to be executed and delivered a new Series 2009 Bond (hereinafter sometimes referred to as a “replacement bond”) of like tenor and effect (specifying on its face, however, that it is issued in place of the original Series 2009 Bond) in place of the original Series 2009 Bond, in accordance with and subject to the provisions of Section 133.93 of the Revised Code, and of this Section. The Registered Holder’s notification and request pursuant to Section 133.93 shall be in writing, addressed to the Bond Registrar, and shall include evidence satisfactory to the Bond Registrar, of such lost, destruction, or wrongful taking and of his ownership. The Bond Registrar is authorized to approve, so long as it is satisfactory to such officer, the indemnity bond that the Registered Holder shall file with the Bond Registrar as a condition to the issuance of the replacement bond, and such officer is further authorized to impose other reasonable requirements, including a requirement that the Registered Holder pay the reasonable expenses and charges of the County in connection with the issuance, execution and delivery of such replacement bond, as conditions to the delivery of the replacement bond.

Section 7. Security and Pledge. The Series 2009 Bonds shall be special obligations of the County. The Series 2009 Bonds and the Series 2007 Bonds and any Additional Bonds issued in accordance with Section 10, together with interest thereon, shall be payable solely from the Net Revenues of the District and the Pledged Funds; provided, however, if otherwise lawful, nothing herein shall be deemed to prohibit the County from using, of its own volition, any of its general resources for the fulfillment of any of the terms and conditions of this Resolution or the Bonds.

During the year or years in which any Bonds are outstanding, the County hereby pledges all of the Net Revenues of the District to secure the payment of the Bond Service Charges on the Bonds. Neither the State of Ohio nor the County shall be obligated to pay the principal of or interest on the Bonds from any other funds or source, nor shall the Bonds be a claim on or lien against any property of or under the control of the County except

those Net Revenues, the Pledged Funds and the proceeds of the sale of the Bonds or bonds issued pursuant to law to refund Bonds; the lien of the pledge of the Net Revenues and the Pledged Funds shall from this date be valid and binding, the Pledged Funds so pledged and the Net Revenues so pledged and hereafter received shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and such lien shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the County.

Nothing in this Resolution or the Bonds shall constitute a general obligation debt or tax-supported bonded indebtedness of the County; the general resources of the County shall not be required to be used, and neither the general credit nor taxing power or full faith and credit of the County are or shall be pledged, for the performance of any duty under this Resolution or the Bonds; and the Bonds do not and shall not constitute a debt or a pledge of the faith and credit of the State of Ohio or of any other political subdivision thereof, and the holders thereof shall have no right to have taxes or excises levied by the General Assembly or taxing authority of any political subdivision of the State for the payment of the principal thereof or interest thereon.

The pledge of the Net Revenues shall be effective and the moneys therefrom shall be applied to the purposes for which pledged without necessity of any further act of appropriation.

Section 8. Funds of the District. Pursuant to the Series 2007 Bond Resolution, the Treasurer created and maintains the following funds, which funds shall be maintained, except as otherwise provided, so long as any Bonds remain unpaid:

- Construction Fund
- Revenue Fund
- Bond Service Fund
- Bond Reserve Fund
- Replacement and Improvement Fund

The **Construction Fund.** The County may establish separate accounts in the Construction Fund for accounting purposes. Money in the Construction Fund shall be disbursed for the purposes of paying the costs of the Project and paying costs of issuance.

The **Revenue Fund.** The Revenue Fund shall be comprised of such account or accounts as the County may establish on its books of record and account for the District to account for the deposit of Revenues required to be deposited in the Revenue Fund and the disbursement of Revenues under this Resolution. So long as any of the Bonds remain outstanding, all Revenues, except for investment income on the Funds of the District other than the Revenue Fund (which investment income shall be credited and deposited as provided below) and money that is paid and deposited directly into the Bond Service

Fund, shall be deposited in the Revenue Fund. The moneys on deposit in the Revenue Fund shall be allocated as provided in Section 9.

The ***Bond Service Fund*** and the ***Bond Reserve Fund***. The Bond Service Fund and the Bond Reserve Fund shall be used solely for the payment of Bond Service Charges. The Treasurer shall establish and maintain a Series 2007 Bond Reserve Account and Series 2009 Bond Reserve Account within the Bond Reserve Fund, which shall be used solely for the payment of Bond Service Charges on the Series 2007 Bonds and Series 2009 Bonds, respectively. In the resolution authorizing the issuance of a series of Additional Bonds, the County shall provide for a separate account within the Bond Reserve Fund for that series of Additional Bonds, which shall be used solely for the payment of Bond Service Charges on that series of Additional Bonds. Moneys in the applicable account of the Bond Reserve Fund shall be paid to the Bond Service Fund, to the extent necessary from time to time, and only after applying to that purpose all moneys in the Replacement and Improvement Fund, to permit the timely payment of all Bonds payable from the Bond Service Fund secured thereby. If at any time the Treasurer shall have money and investments then on deposit in the Bond Service Fund and the applicable account of the Bond Reserve Fund in an amount sufficient to permit the purchase for cancellation or call for redemption on the next available redemption date(s) or principal payment date(s) of any outstanding Bonds secured thereby, without thereby reducing the balance thereafter remaining in the Bond Service Fund and the applicable account of the Bond Reserve Fund below the amount that on such purchase or redemption date would be required by the Series 2007 Bond Resolution, this Resolution or a resolution authorizing the issuance of the series of Additional Bonds secured thereby, to be on deposit therein with respect to Bonds not to be so purchased or redeemed, the County, shall cause such money to be used out of the Bond Service Fund and Bond Reserve Fund in the amounts required, together with any other money provided by the County, to accomplish that purchase or redemption. Until required for such purpose, moneys in the Bond Service Fund shall, when and as directed by the Treasurer, be invested in accordance with law in investments maturing not later than the interest and principal payment date next following such investment.

An account of the Bond Reserve Fund shall be funded in the manner described in Section 9 and, subject to the prior approval of the Federal Government so long as it is the Registered Holder of any Bond secured by that amount, shall be used and disbursed only if sufficient funds are not available in the Bond Service Fund or the Replacement and Improvement Fund for the purpose of paying when necessary for the purpose of making payments of principal of and interest on the Bonds secured thereby. On the fifth business day following the end of each Fiscal Year of the County, monies on deposit in an account of the Bond Reserve Fund in excess of the Bond Reserve Requirement of the Bonds secured thereby shall be transferred to the Bond Service Fund and used to pay Bond Service Charges on the Bonds secured thereby on the next ensuing Interest Payment Date.

The ***Replacement and Improvement Fund***. The Replacement and Improvement Fund shall be comprised of such accounts as the County may establish from time to time on its books of record and account for the District. Moneys in the Replacement and Improvement Fund shall be paid by the County to the Bond Service Fund, to the extent necessary from time to time to permit the payment of all Bonds payable from the Bond Service Fund without drawing on the Bond Reserve Fund. Otherwise, moneys in the

Replacement and Improvement Fund shall be used (i) for Improvements and other capital projects including the replacement of obsolete or worn-out equipment or making other improvements to the District, (ii) with moneys in the Bond Service Fund and the Bond Reserve Fund and other moneys made available by the County, to retire by purchase for cancellation or by call for redemption, all or part of the Bonds from time to time outstanding, (iii) with other available monies of the County, to pay the principal of and interest and redemption premium on Other District Indebtedness, or (iv) for any other lawful purpose of the District.

The Treasurer shall be custodian of the funds created under this Section and such funds shall be deposited in a bank that is eligible as a public depository under Chapter 135 of the Revised Code. All monies in excess of \$50,000 in any of the funds created under this Section shall be secured by the depository bank in advance in accordance with United States Treasury Department Circular No. 176. The Treasurer of the Board shall, so long as any Series 2009 Bonds are outstanding, obtain and keep in force a fidelity bond in such amount as may be required by the Federal Government. If the Federal Government is the Registered Holder of any Bond, the fidelity bond shall be with a surety company approved by the Federal Government, and the District and the Federal Government shall be named as co-obligees in such fidelity bond and the amount thereof shall not be reduced without the prior written consent of the Federal Government.

The Funds shall be maintained in the custody of the Treasurer as trust accounts separate and distinct from all other funds of the County. The Funds may be invested in accordance with law. Interest on any monies or investments in any Fund shall be credited to that fund containing the monies or investments on which the interest was earned.

Any Series 2009 Bonds purchased for cancellation shall be purchased at a price not exceeding their face amount or their fair market value.

Section 9. Deposits to and Application of Pledged Funds. So long as any Bonds remain outstanding, all Revenues from the operation of the District, as now constituted or hereafter improved or extended, shall be transferred to or deposited in the Revenue Fund. Out of the Revenue Fund, and after reserving therein at all times an amount equal to the Operating Reserve, the following payments only shall be made and in the following order:

First: All reasonable and proper expenses of operating and maintaining the District and all its appurtenances, such expenses to exclude depreciation and capital replacements;

Second: Monthly on the 10<sup>th</sup> day of each month into the Bond Service Fund; (a) 1/12 of the amount necessary to provide for the payment of the interest due on the next ensuing Interest Payment Date upon the outstanding principal balance of the Bonds; and (b) 1/12 of the amount necessary to provide for payment of the next ensuing principal maturity of all Bonds outstanding;

Third: Monthly, as aforesaid, such sum in addition to any of the foregoing allocations as may be necessary and available, after meeting the requirements of Paragraphs First and Second hereof, to make up any previous deficiency in any such monthly allocation;

Fourth: Monthly, on the 15<sup>th</sup> day of every month, commencing on the 15<sup>th</sup> day of the month immediately following the month of the Closing Date (or such other date as agreed to by the Auditor and the Registered Holder), after making the allocations required by Paragraphs First to Third hereof, into the Series 2009 Bond Reserve Account of the Bond Reserve Fund the sum of \$543, or such lesser sum as may then be required, until there is accumulated in that Account a balance equal to the Bond Reserve Requirement for the Series 2009 Bonds, after which no further deposits need be made therein except to replace withdrawals. Whenever disbursements are made from the Series 2009 Bond Service Account of the Bond Reserve Fund, in accordance with this Section 9, the monthly payments in the amount of \$543 shall be resumed as necessary until there is again accumulated in that Account the Bond Reserve Requirement for the Series 2009 Bonds, at which time the payments may again be discontinued. In addition, and in the event of the issuance of Additional Bonds, there shall be paid monthly into an account within the Bond Reserve Fund for which provision is made in the resolution authorizing the issuance of that series of Additional Bonds, commencing with the first monthly deposit date after the issuance of that series of Additional Bonds, such further monthly amounts for which provision is made in that resolution but not less than an amount required to create by the amount required to achieve, not later than the 12<sup>th</sup> calendar month following the calendar month in which that series of Additional Bonds is issued, a balance in such account allocable to that series of Additional Bonds equal to the Bond Reserve Requirement for that series of Additional Bonds. Whenever disbursements are made from an account of the Bond Reserve Fund securing a series of Additional Bonds, the monthly payments provided for herein shall be resumed until there is again accumulated in that account a balance equal to the Bond Reserve Requirement for the series of Additional Bonds secured thereby, at which time the payments may again be discontinued;

Fifth: Annually on January 15, commencing in the year after the date of adoption of this Resolution, the Revenues available in the Revenue Fund, at the end of the preceding calendar year, after making the payments required by Paragraphs First to Fourth hereof, and after reserving therein an amount equal to the Operating Reserve and to provide necessary accruals against the current requirements of Paragraphs Second to Fourth, shall be transferred to the Replacement and Improvement Fund.

Section 10. Additional Bonds. The County shall have the right from time to time to issue Additional Bonds for the purpose of providing additional funds, if necessary, for the purpose only of making Improvements to the District, which Additional Bonds shall be payable from the Bond Service Fund and be secured by a lien upon the Net Revenues on a parity with the Series 2007 Bonds and the Series 2009 Bonds; provided, that, when any such Additional Bonds are issued, the County shall have furnished the following certifications:

(a) Certificate of the Auditor and the Prosecutor, or some other attorney designated by this Board, certifying that, to the best of their knowledge, the County is not, on the date of issuance of such Additional Bonds, in default in the performance of any of its covenants provided in this Resolution, or in the Series 2007 Bonds or the Series 2009 Bonds; and

(b) Certificate of an independent engineer showing that (i) such Additional Bonds are necessary to provide Improvements to the District which are reasonably necessary for the proper and economical operation of the District or for meeting existing or prospective demands for its services, or both; and (ii) the Net Revenues, during each of the two Fiscal Years immediately preceding the year of passage of a resolution authorizing the issuance of Additional Bonds, adjusted to reflect, if necessary, rates, charges and rentals of the District approved by the County before the effective date of that resolution, plus the independent engineer's estimate of the increase in annual Revenues anticipated to be derived from Improvements or completions of Improvements to be financed by the Additional Bonds (when issued for that purpose), less the independent engineer's estimate of any additional annual Operating Expenses resulting from those Improvements, both such estimates of Revenues and Operating Expenses to be averaged over the 24 months following the estimated completion date of such Improvements, will aggregate in amount not less than 125% of the highest amount required to be paid by the County from Net Revenues into the Bond Service Fund in any succeeding Fiscal Year to meet Bond Service Charge requirements of all Bonds to be outstanding immediately after the issuance of the Additional Bonds; provided, however, that this limitation may be waived or modified by resolution of this Board and with the written consent of the Registered Holders of not less than 75% of the aggregate principal amount of outstanding Series 2009 Bonds (excluding Series 2009 Bonds held or owned by the County).

The proceeds of any sale of Additional Bonds shall be allocated in substantially the same manner as provided in this Resolution with respect to the Series 2009 Bonds and, if necessary, a Construction Fund, with accounts therein, if necessary, for such proceeds shall be created in connection with each issue of Additional Bonds and shall be applied to the purpose set forth in the applicable certificate of the independent engineer to defray costs and expenses incidental thereto or incidental to the sale or issuance of the Additional Bonds. Junior or subordinate bonds may be issued without limitation.

The Additional Bonds shall bear such designation as may be necessary to distinguish them from the Series 2007 Bonds, the Series 2009 Bonds or other Additional Bonds having different provisions and shall have maturities, interest rates, interest payments dates, redemption provisions, denominations and other provisions as provided in this Resolution or in the resolution(s) hereafter adopted providing for issuance of the Additional Bonds, provided, however, that such terms and provisions shall not be inconsistent with this Resolution, or the then outstanding Bonds.

Additional Bonds shall not be redeemable earlier than the first redemption date for the Series 2009 Bonds unless all the Series 2009 Bonds (excluding Series 2009 Bonds held or owned by the County) are held by the Federal Government and the Federal Government consents thereto.

Section 11. Rates and Charges. The rates and charges for all services and facilities rendered by the District shall be reasonable and just, taking into consideration the costs and value of the District and cost of maintaining, repairing and operating the same and the amounts necessary for the retirement of the Bonds and there shall be charged such rates and charges as shall be adequate to meet the requirements of this Section and Section 7.

Subject to the provisions of Section 12, the County, by issuance of the Series 2009 Bonds, covenants with the Registered Holders of the Bonds that: (a) it will at all times prescribe and charge such rates and charges for the services of the District, and will so restrict operation and maintenance expenses of the District, as shall result in Revenues at least adequate, after meeting such operation and maintenance expenses to provide for (i) the payments required by this Resolution to be made into the Pledged Funds, (ii) proper improvement and replacement reserves, and (iii) sufficient earnings coverage to permit the issuance of any Additional Bonds required for the construction of necessary or advisable Improvements; (b) it will segregate the Revenues, funds and properties of the District from all other revenues, funds and properties of the County; and (c) it will observe and perform all its agreements and obligations provided for by the Bonds or this Resolution. All of the obligations set forth and covenants made under this Section and Section 12 are hereby established as duties specifically enjoined by law and resulting from an office, trust or station upon the County within the meaning of Section 2731.01 of the Revised Code.

Section 12. Additional Covenants of the County. The County hereby further covenants and agrees, so long as the Bonds remain unpaid, as follows:

(a) It shall comply with applicable State laws and the regulations and continually operate and maintain the District in good condition.

(b) No customer of the District, whether an individual, corporation, political subdivision or other entity, shall receive free services or any services without being charged the applicable rates prescribed in the rules and regulations of the District.

(c) It shall maintain complete books and records relating to the operation of the District and its financial affairs and shall cause such books and records to be audited annually at the end of each fiscal year and an audit report prepared, and shall furnish the Federal Government, so long as it is the Registered Holder of any Bond, without request, a copy of each audit report and shall furnish any other Registered Holder of Bonds a copy of such report upon written request. At all reasonable times the Federal Government, so long as it is the Registered Holder of any Bond, shall have the right to inspect the District and the records, accounts, and data relating thereto and the County shall assist the Federal Government in such inspection by preparing such documents and reports as the Federal Government shall reasonably require.

(d) It shall maintain such insurance coverage as may be reasonably required by the Federal Government so long as the Federal Government is the Registered Holder of any Bond.

(e) It shall not borrow any money from any source, enter into any contract or agreement, or incur any other liabilities, in connection with making Improvements other than normal maintenance and repair of the District, without obtaining the prior written consent of the Federal Government so long as it is the Registered Holder of any Bond; neither shall it transfer or use any portion of the Revenues derived in the operation of the District for any purpose not herein specifically authorized.

(f) The Pledged Funds shall be applied to all parity Bonds issued pursuant to this Resolution as if said Bonds were part of the original Series 2009 Bond issue, except that money in the Series 2007 Bond Reserve Account in the Bond Reserve Fund shall only be applied to the Series 2007 Bonds, money in the Series 2009 Bond Reserve Account in the Bond Reserve Fund shall only be applied to the Series 2009 Bonds, and money in other accounts within the Bond Reserve Fund provided for in resolutions authorizing the issuance of Additional Bonds shall only be applied to the Additional Bonds for which the account was created. All revenue from any Improvements constructed by the proceeds of a parity issue of Additional Bonds shall be deposited in the Revenue Fund created by this Resolution. This provision shall be controlling over any provisions of this Resolution to the contrary.

(g) So long as the Federal Government is the Registered Holder of any Bond, it shall not dispose of or transfer its title to the District or any part thereof, including lands and interests in land, by sale, mortgage, lease or other encumbrances, except as may be approved by the Federal Government.

(h) Except as otherwise specifically provided, so long as any Series 2009 Bonds are outstanding, no Additional Bonds or Other District Indebtedness pledging any portion of the Net Revenues shall be incurred or issued by the County unless the same shall be junior and subordinate in all respects to the Series 2009 Bonds.

(i) Prior to the beginning of each Fiscal Year the County shall prepare an annual budget of the District for the ensuing fiscal year. Such budget shall be itemized on the basis of monthly requirements and a copy shall be mailed, without request, to the Federal Government as long as it is the Registered Holder of any Bond and upon written request of any other Registered Holder of Bonds.

(j) The provisions of this Resolution shall constitute a contract between the County and the Registered Holders of the Bonds and, after the issuance of the Series 2009 Bonds, this Resolution shall not be repealed or amended in any respect which will adversely affect the rights and interests of the Registered Holders and neither shall this Board adopt any law or resolution in any way adversely affecting the rights of the Registered Holders so long as the Bonds or interest thereon remains unpaid.

(k) So long as the Federal Government is the Registered Holder of any Bond, if at any time it shall appear to the Federal Government that the County is able to refund, upon call for redemption or with consent of the Federal Government, the then outstanding Bonds, held by it, in whole or in part, by obtaining a loan for such purposes from responsible cooperative or private credit sources, at reasonable rates and terms for loans for similar purposes and periods of time, the County shall, upon request of the Federal Government, apply for and accept such loan in sufficient amount to repay the Federal Government, and shall take all such action as may be required in connection with such loans.

Section 13. Federal Tax Considerations. The County covenants that it will use, and will restrict the use and investment of, the proceeds of the Series 2009 Bonds in such manner and to such extent as may be necessary so that (a) the Series 2009 Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148

or 149 of the Code or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest thereon will not be an item of tax preference under Section 57 of the Code.

The Auditor, as the fiscal officer, or any other officer of the County having responsibility for issuance of the Series 2009 Bonds, 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 Series 2009 Bonds as the County is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Series 2009 Bonds 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 Series 2009 Bonds, and (c) to give one or more appropriate certificates of the County, for inclusion in the transcript of proceedings for the Series 2009 Bonds, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Series 2009 Bonds, 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 Series 2009 Bonds.

Each covenant made in this section with respect to the Series 2009 Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Series 2009 Bonds (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 Series 2009 Bonds 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 Series 2009 Bonds.

Section 14. Appointment of Receiver. If the County shall fail to perform any of the requirements or covenants contained in this Resolution or in the payment of principal or interest of any Bonds, upon the filing of a suit by any Registered Holder of a Bond, any court having jurisdiction of the action may appoint a receiver to administer said District on behalf of the County with power to charge and collect rates sufficient to provide for the payment of the Bonds and for the payment of Operating Expenses, and to apply income and Revenues in accordance with this Resolution and laws of the State of Ohio.

The County hereby agrees to transfer to any bona fide receiver or other subsequent operator of the District, pursuant to any valid court order in a proceeding brought to enforce collection or payment of the Bonds, all contracts and other rights of the County with respect to the Bonds, conditionally, for such time only as such receiver or operator shall operate by authority of the court.

In the event of default, 20% of the Registered Holders of the Bonds may require, by mandatory injunction, the County to raise the rates of the District by a reasonable amount.

Section 15. Governing Law. The provisions of this Resolution are subject to the laws of the State of Ohio and to the present and future regulations of the Federal Government not inconsistent with the express provisions hereof so long as it is the Registered Holder of any Bond.

Section 16. Severability. Each section of this Resolution and each subdivision or any section thereof is hereby declared to be independent and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Resolution.

Section 17. Compliance with Loan Resolution. As long as the Federal Government is the Registered Holder of any Bond, this Resolution shall be subject, to the extent permitted by and not in conflict with the Constitution and laws of the State of Ohio, and to the Loan Resolution.

Section 18. Satisfaction of Conditions Precedent. It is hereby determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Series 2009 Bonds, in order to make them legal, valid and binding special obligations of the County, have happened, been done and performed in regular and due form and as required by law and that no limitation of indebtedness, either statutory or constitutional, will have been exceeded in the issuance of the Series 2009 Bonds.

Section 19. Certification and Delivery of Resolution. The Clerk of the Board is directed to deliver or cause to be delivered a certified copy of this Resolution to the County Auditor.

Section 20. 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 Bonds and the rendering of the necessary legal opinion upon the delivery of the Bonds. 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 Bonds at the direction of the County.

Section 21. 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







\* \* \* \* \*

**RESOLUTION No. 09-0830 - RE: SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE - DISTRIBUTION OF MONIES ACCUMULATED IN MARRIAGE LICENSES/DIVORCE FEES SPECIAL FUNDING FOR THE YEAR 2010.**

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

**RESOLVED,** that is has been determined by the Portage County Board of Commissioners as follows:

As required by Chapter 3113.35 of the Ohio Revised Code, SAFER FUTURES, a program of Family & Community Services, 705 Oakwood St., Ravenna, Ohio 44266 filed an application to receive monies collected as provided by Chapter 3113 (Marriage License fees and Divorce fees), for the calendar year 2010 for shelter for victims of domestic violence. SAFER FUTURES, as evidenced by documentation submitted with the application, meets the requirements of Ohio Revised Code Chapter 3113; be it further

**RESOLVED,** that the application serves as a written request from SAFER FUTURES for the monthly release of available funds from the amount of monies collected in accordance with Ohio Revise Code section 3113.34 as determined by the Portage County Clerk of Courts Office and the Portage County Probate Court for the periods of January 1, 2010 through December 31, 2010, with a written request form; and be it further

**RESOLVED,** the total amount of monies accumulated in Marriage Licenses/Divorce Fees Special Fund during the year 2010 is paid to SAFER FUTURES, a program of Family & Community Services, 705 Oakwood Street Ravenna, Ohio 44266. Said payments to be made from Special Fund – Marriage Licenses & Divorce Fees, as determined by the Portage County Clerk of Courts and the Probate Court; and be it further

**RESOLVED,** that a certified copy of this resolution be filed with the Clerk of Courts, the Probate Court and the Portage County Department of Budget & 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 II, Yea;                      Maureen T. Frederick, Yea;                      Christopher Smeiles, Yea;

\* \* \* \* \*



\* \* \* \* \*

**RESOLUTION No. 09-0833 - RE: ACCEPT PROPOSAL OF KCI TECHNOLOGIES, INC. AND ENTER INTO AGREEMENT TO PREPARE AN ECOLOGICAL MEMORANDUM OF AGREEMENT, CULTURAL RESOURCES PHOTOLOG, CATEGORICAL EXCLUSION DOCUMENT, 404 ARMY CORPS OF ENGINEERS WETLAND PERMIT AND ANALYZE HYDRAULIC OPENING FOR THE NEL 160 TH250A BRIDGE REPLACEMENT PROJECT ON HOPKINS ROAD OVER EAGLE CREEK IN NELSON TOWNSHIP, PORTAGE COUNTY.**

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

**WHEREAS,** a technical and fee proposal to provide professional engineering services to prepare an Ecological Memorandum of Agreement, Cultural Resources Photolog, Categorical Exclusion Document, 404 Army Corps of Engineers Wetland Permit and Analyze Hydraulic Opening for the NEL 160 TH250A Bridge Replacement Project on Hopkins Road over Eagle Creek was received by the Portage County Engineer from **KCI Technologies, Inc.**, and

**WHEREAS,** the Portage County Engineer, upon review of the proposal from **KCI Technologies, Inc.**, recommends that said proposal be accepted by the Board of Portage County Commissioners; now therefore be it

**RESOLVED,** that the Board of Portage County Commissioners does hereby accept the proposal of **KCI Technologies, Inc.**, to provide said consulting services for the NEL 160 TH250A Bridge Replacement Project, and be it further

**RESOLVED,** that said services will be performed by **KCI Technologies, Inc., 388 South Main Street, Suite 401, Akron, OH 44311**, at a cost not to exceed \$20,138.00.

**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;

\* \* \* \* \*

**RESOLUTION No. 09-0834 - RE: ESTABLISHING PORTAGE COUNTY STORM WATER DISTRICT.**

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

**WHEREAS,** the federal regulations promulgated by the Federal Water Pollution Control Act, as amended (40 Code of Federal Regulations Part 122 et seq), referred to as NPDES (National Pollutant Discharge Elimination System) Storm Water Phase II Permit Program (the “Phase II Program”), the Ohio Water Pollution Control Act (Ohio Revised Code Chapter 6111), and Ohio Administrative Code Chapter 3745-39, referred to as Phase II Storm Water Rules – Small Municipal Separate Storm Sewer Systems (MS4), require dischargers of storm water from Small MS4s, including the County of Portage and various independent jurisdictions that own and/or operate a MS4, to obtain a permit from the Ohio Environmental Protection Agency and to develop a Storm Water Management Program under this permit that addresses the quality of storm water runoff; and

**WHEREAS,** Portage County and various independent jurisdictions that own and/or operate a MS4 within Portage County are required to comply with the regulations of the NPDES Phase II Program; and

**WHEREAS,** the Storm Water Steering Committee has recommended to the Board of County Commissioners the establishment of a Sewer District under Ohio Revised Code 6117.01 comprised of all unincorporated Townships within Portage County for the purposes of implementing the Storm Water Management Plan, complying with the NPDES Phase II Program requirements, and for the purposes of preserving and promoting the public health and welfare; now therefore be it

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

**SECTION 1. DISTRICT ESTABLISHED**

That, for the purpose of implementing the Storm Water Management Plan, this Board of County Commissioners does hereby lay out and establish, and authorize to be maintained, as of the date hereof a new sewer district which shall be known as “Portage County Storm Water District”, which shall have the boundaries hereinafter described as all territory within Portage County lying outside of incorporated municipalities.

**SECTION 2. BUDGETING DATE**

That Portage County Storm Water District as herein described and provided for shall be created as of the date of this resolution and shall be in effect for the purpose of budget procedures from and after January 1, 2010.

**SECTION 3. ENTERPRISE FUND**

All moneys received in payment of fees and other charges for NPDES Phase II Program compliance for Portage County Storm Water District shall be paid into an enterprise fund for Portage County Storm Water District. The moneys deposited in such fund shall be used to pay 1) costs of management, maintenance, and operation of the Portage County Storm



**RESOLUTION No. 09-0835**

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**RE: FIXING CHARGES FOR THE USE OF THE PORTAGE COUNTY STORM WATER DISTRICT, FUND 6800 (STORM WATER MANAGEMENT), PURSUANT TO CHAPTER 6117, OHIO REVISED CODE.**

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

- WHEREAS,** the federal regulations promulgated by the Federal Water Pollution Control Act, as amended (40 Code of Federal Regulations Part 122 et seq), referred to as NPDES (National Pollutant Discharge Elimination System) Storm Water Phase II Permit Program (the "Phase II Program"), the Ohio Water Pollution Control Act (Ohio Revised Code Chapter 6111), and Ohio Administrative Code Chapter 3745-39, referred to as Phase II Storm Water Rules – Small Municipal Separate Storm Sewer Systems (MS4), require dischargers of storm water from Small MS4s, including the County of Portage and various independent jurisdictions that own and/or operate a MS4, to obtain a permit from the Ohio Environmental Protection Agency and to develop a Storm Water Management Program under this permit that addresses the quality of storm water runoff; and
- WHEREAS,** Portage County and various independent jurisdictions that own and/or operate a MS4 within Portage County are required to comply with the regulations of the NPDES Phase II Program; and
- WHEREAS,** this Board, has heretofore established by Resolution No. 09-0834, adopted on September 10, 2009, the Portage County Storm Water District hereinafter referred to as the "District" for the purposes of implementing the Storm Water Management Plan for NPDES Phase II Program compliance; and
- WHEREAS,** this Board is authorized by the pertinent provisions of Chapter 6117 of the Ohio Revised Code, to fix reasonable rates to be charged for the use of the municipal separate storm sewer system (MS4) and NPDES Phase II Program compliance services provided by the County and may change such rates as it deems advisable; and
- WHEREAS,** the municipal separate storm sewer system serving the District consists of storm sewers, tiles, ditches, channels, and other "drainage facilities" as referred to in such Chapter 6117; and
- WHEREAS,** all parcels within the District receive rainfall and contribute to storm water runoff, ultimately affecting surface water quality; and
- WHEREAS,** the Storm Water Steering Committee has recommended this Board adopt a user fee based on the Equivalent Residential Unit (ERU) concept for determining the service rates for users of the District; and

**WHEREAS,**

to distribute equitably the cost of providing services for implementing the Storm Water Management Plan and for Phase II Program compliance among the present and future users of the District, this Board has determined to establish rates to be charged which, in its judgment are reasonable and proper having due regard to all relevant circumstances and conditions, as hereinafter set forth; now therefore be it

**RESOLVED,**

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

**SECTION 1. USER FEE**

User fee means the total charge which is assessed users of the District, and includes user charges subject to change at any time and from time to time by resolution of this Board. Each parcel owner shall be charged an annual user fee to be billed on the property tax duplicate as authorized by Chapter 6117.

**SECTION 2. USER FEE METHODOLOGY**

For the purpose of calculating the charges herein provided for and having given due consideration to the volumes, composition and other characteristics of the storm water runoff emanating from the parcels served by the District, it is hereby determined that the user fee shall be charged to all parcels within the District by the Equivalent Residential Unit methodology.

**SECTION 3. EQUIVALENT RESIDENTIAL UNIT**

The Equivalent Residential Unit (ERU) shall be defined as the average impervious area contained within single-family residential parcels located within the District. For this calculation, impervious area shall be considered to be any outside surface that prohibits or restricts the infiltration of storm water runoff into the subsoil, including but not limited to: rooftops, driveways, patios, sidewalks, decks, outbuildings, and compacted gravel surfaces.

Based on the above criteria, the ERU for the District was estimated to be 5,800 square feet.

**SECTION 4. BASE USER FEE CHARGES**

All parcels within the District shall be charged a base user fee of either a) 1 ERU per residential unit or b) an ERU total based on the actual measured impervious area associated with the parcel, all based on the following land use table.

<u>Land Use</u>	<u>User Fee Basis</u>
Single Family Residential	1 ERU
Multi Family Residential	1 ERU/Residential Unit
Apartments	1 ERU/Residential Unit

Mobile Home Parks	1 ERU/Residential Unit
Agricultural	1 ERU
Vacant	1 ERU
Commercial	Measured Impervious Area
Industrial	Measured Impervious Area
Public Property	Measured Impervious Area
Hospitals, Schools, and Churches	Measured Impervious Area

For the above uses, in no case shall the base user fee be less than 1 ERU for a parcel before the application of credits as outlined in Sections 8-11 of this resolution.

For parcels with user fees established by measured impervious area, the measured impervious area shall not exceed the total acreage for the parcel.

Parcel owners for apartment complexes and mobile home parks shall be billed and liable for the entire amount of residential units licensed on their parcels and all associated user fees. It is the responsibility of the parcel owners to “pass on” the fees to their tenants in their individual agreements, should they so desire.

In the case of any uses not described above or conflicts between multiple uses, the Storm Water Coordinator is authorized to establish the applicable equivalent residential units for such premises using generally accepted engineering principles and criteria until further legislative determination by this Board.

**SECTION 5. USER FEE EXEMPTIONS**

Linear transportation rights-of-way associated with public roads, streets, and railroads shall be exempt from user fee charges.

Parcels owned by the United States of America shall be exempt from user fee charges in accordance with the limitations provided in Chapter 6117.

**SECTION 6. USER FEE ESTABLISHED**

The Board hereby establishes an annual user fee for parcels within the District as follows:

- \$12.00/ERU/year to be charged commencing with the January 2010 billing
- \$18.00/ERU/year to be charged commencing with the January 2011 billing
- \$24.00/ERU/year to be charged commencing with the January 2012 billing

\$30.00/ERU/year to be charged commencing with the January 2013 billing

This user fee may be modified from time to time by the Board as necessary to implement the Storm Water Management Plan and to maintain compliance with the NPDES Phase II Program requirements.

#### **SECTION 7. USER FEE REVIEW**

Any parcel owner may request a review of their user fee if they believe the ERU assigned to their parcel is in error. Upon review of pertinent records and data, the Storm Water Coordinator shall confirm or adjust the parcel's ERU as appropriate. All decisions of the Storm Water Coordinator are final in this regard. If an error is found in the parcel owner's favor, the Board may authorize a refund of the overpayment of fees from the prior billing period, if all prior payments were made in full.

#### **SECTION 8. CREDIT PROGRAM - GENERAL**

Non-residential parcels within the District shall be eligible for a credit reduction of the base user fee for implementing storm water quality control practices that exceed current federal, state, and local regulations on their properties. Upon review of the submittal, the Storm Water Coordinator shall award the appropriate credits to the parcels as outlined in Sections 9-11 of this resolution. Credits approved prior to June 30 of each year shall be applied to the user fee charges to be billed in the following January and shall be valid for the remaining duration of the current Ohio Environmental Protection Agency NPDES Phase II Permit.

No credits shall be applied to user fees billed in 2010 on the 2009 property tax duplicate.

Additional credits not included in Section 9-11 may be awarded at the discretion of the Storm Water Coordinator and upon approval of this Board for unique situations that merit such award.

#### **SECTION 9. CREDIT PROGRAM – CHURCHES AND SCHOOLS**

Churches and schools shall be eligible for a maximum user fee reduction of 75% for developing and implementing a storm water quality education program approved by the District. Credits awarded shall not reduce the total user fee per parcel to less than 1 ERU.

#### **SECTION 10. CREDIT PROGRAM – AGRICULTURAL**

Agricultural parcels shall be eligible for a maximum user fee reduction of 50% for the following cases upon approval by the District.

1. Property owners with multiple adjacent agricultural parcels with an average parcel area of less than 2 acres per parcel.
2. Property owners with four or more agricultural parcels that meet the following criteria:
  - a. Farming is operated by a large scale producer, and

- b. A Comprehensive Nutrient Management Plan, Whole Farm Plan, or equivalent is implemented on the parcels.
- c. Total ERU for this case shall not be reduced to less than 3 ERU's.

#### **SECTION 11. CREDIT PROGRAM – OTHER NON-RESIDENTIAL**

Non-residential parcels that do not contain church, school, or agricultural uses shall be eligible for a maximum user fee reduction of 50% for the following cases upon approval by the District.

1. Display of educational materials approved by the District: 5% credit
2. Implementation of green infrastructure onsite with water reuse plan approved by the District.
  - a. Green roof = 25% credit
  - b. Rain barrel and reuse program = 5% credit
  - c. Rain garden = 10% credit
  - d. Other methods = As approved by District.
3. No increase in storm water runoff volume for 2yr event above pre-development conditions = 20% credit.
4. Provide documentation of storm water facility maintenance = maximum 10% credit.
  - a. Applicable only to Ohio Environmental Protection Agency mandated post-construction best management practices implemented 2003 – current.
5. Multiple adjacent parcels that are undeveloped (contain no impervious area) and have 100% coverage by a permanent conservation easement requiring the parcel to remain in an undisturbed natural state for perpetuity: 50% credit.

Credits awarded for cases 1-4 shall not reduce the total user fee per parcel to less than 1 ERU.

#### **SECTION 12. COLLECTION EXPENSES**

In addition to the provisions of the above sections, the user fee shall be increased by such percent as required to compensate the County Auditor and County Treasurer for their fees and expenses as entitled under Ohio Revised Code for purposes of billing and collecting the assessments.

#### **SECTION 13. BILLING**

Each parcel owner shall be charged an annual user fee to be billed on the property tax duplicate as authorized by Chapter 6117. The Board shall certify and submit all user fees to the Auditor before the second Monday in September for inclusion in the following January property tax billing. ***Said fees to be identified on the parcel tax bill as Ohio EPA Mandated Stormwater Management Fee.***

#### **SECTION 14. NOTIFICATION**



**WHEREAS,** the NPDES Phase II Program requires regulated communities including Portage County to develop and implement rules for illicit discharge detection and elimination, construction storm water management, and post-construction storm water management; and

**WHEREAS,** Ohio Revised Code 307.79 provides legal authority to implement the NPDES Phase II Program established in 40 C.F.R. Part 122; and

**WHEREAS,** the Storm Water Steering Committee and the Storm Water Task Force has developed the required rules for illicit discharge detection and elimination, construction, and post-construction storm water management and recommended to the Board of County Commissioners adoption of the proposed rules; and

**WHEREAS,** this Board held Public Hearings for the proposed rules on July 16, 2009 and July 23, 2009, which were each published twice in the Record-Courier Newspaper; and

**WHEREAS,** this Board, has heretofore established by Resolution No. 09-0834, adopted on September 10, 2009, the Portage County Storm Water District hereinafter referred to as the "District" for the purposes of implementing the Storm Water Management Plan for NPDES Phase II Program compliance, including the proposed rules; now therefore be it

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

**SECTION 1. RULES ADOPTED**

That, this Board of County Commissioners does hereby approve and adopt the "Portage County Illicit Discharge and Storm Water Rules", which are attached to this Resolution as "Exhibit A" and hereby fully incorporated herein.

That, this Board of County Commissioners does hereby approve and adopt the "Portage County Construction Site Sediment, Erosion, and Storm Water Management Rules", which are attached to this Resolution as "Exhibit B" and hereby fully incorporated herein.

**SECTION 2. EFFECTIVE DATE**

The rules shall be effective January 1, 2010 and apply in the unincorporated areas of Portage County.

**SECTION 3. NOTIFICATION**

The Clerk of this Board is hereby directed to certify a copy of this Resolution to the County Engineer, the County Board of Health, the County Soil and Water Conservation District, the Township Trustees, the County Recorder, Mr. Anthony Robinson (Ohio Environmental Protection Agency Central Office), and Mr. Kelvin Rogers (Ohio Environmental Protection Agency Northeast District Office).

**SECTION 4. SEVERABILITY**

This Resolution is severable and the invalidity of any section, phrase or provision thereof shall not affect the validity of any other section, phrase or provision.

**SECTION 5. OPEN MEETING**

It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements 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. 09-0836  
"Exhibit A"**

**PORTAGE COUNTY ILLICIT DISCHARGE AND STORM WATER RULES**

**I. PURPOSE and INTENT**

The purpose of these rules is to provide for the health, safety, and general welfare of the citizens of Portage County through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. These rules establish methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

The objectives of these rules are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by storm water discharges by any user
- (2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with these rules

**II. EFFECTIVE DATE**

These rules shall become effective on January 1, 2010.

**III. APPLICABILITY**

These rules shall apply to all water entering the storm drain system generated on any lands unless explicitly exempted by the Portage County Board of Commissioners.

**IV. RESPONSIBILITY FOR ADMINISTRATION**

The Portage County Board of Commissioners shall administer, implement, and enforce the provisions of these rules. Any powers granted or duties imposed upon the Portage County Board of Commissioners may be delegated in writing by the Portage County Board of Commissioners to persons or entities acting in the beneficial interest of or in the employ of the Portage County Board of Commissioners.

**V. SEVERABILITY**

The provisions of these rules are hereby declared to be severable. If any provision, clause, sentence, or paragraph of these rules or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of these rules.

**VI. ULTIMATE RESPONSIBILITY**

The standards set forth herein and promulgated pursuant to these rules are minimum standards; therefore these rules do not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

## **VII. DISCHARGE PROHIBITIONS**

### **A. Prohibition of Illegal Discharges.**

No person shall discharge or cause to be discharged into the storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by these rules:
  - a. Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing pollutants.
  - b. Discharges specified in writing by the Portage County Board of Commissioners as being necessary to protect public health and safety.
2. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

### **B. Prohibition of Illicit Connections**

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
2. A person is considered to be in violation of these rules if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

## **VIII. SUSPENSION OF MS4 ACCESS**

### **A. Suspension due to Illicit Discharges in Emergency Situations**

The Portage County Board of Commissioners may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Portage County Board of Commissioners may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

**B. Suspension due to the Detection of Illicit Discharge**

Any person discharging to the MS4 in violation of these rules may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Portage County Board of Commissioners will notify a violator of the proposed termination of its MS4 access.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Portage County Board of Commissioners.

**IX. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES**

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Portage County Board of Commissioners prior to the allowing of discharges to the MS4.

**X. MONITORING OF DISCHARGES**

**A. Applicability**

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

**B. Access to Facilities**

1. The Portage County Board of Commissioners may, upon identification to the owner or person in charge of a facility, enter any premises upon obtaining an agreement with the owner, tenant, or manager of the land in order to determine whether there is compliance with these rules.
2. If the Portage County Board of Commissioners is unable to obtain such an agreement, the Portage County Board of Commissioners may apply for, and a judge of the Portage County Court of Common Pleas may issue, an appropriate inspection warrant as necessary to achieve the purposes of these rules. The Portage County Board of Commissioners, if it is able to demonstrate probable cause to believe that there may be a violation of these rules or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with these rules or any order issued hereunder, or to protect the overall public health, safety, and welfare of citizens; may seek, as part of the inspection warrant:
  - a. Access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

- b. Permission to set up on any NPDES permitted facility such devices as are necessary in the opinion of the Portage County Board of Commissioners to conduct monitoring and/or sampling of the facility's storm water discharge.
- c. Removal of any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled with the costs of clearing such access borne by the owner, tenant, or manager of the property.

## **XI. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES**

The Portage County Board of Commissioners will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWP3) as necessary for compliance with requirements of the NPDES permit.

## **XII. WATERCOURSE PROTECTION**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

## **XIII. NOTIFICATION OF SPILLS**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the State, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Portage County Board of Commissioners in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Portage

County Board of Commissioners within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

#### **XIV. ENFORCEMENT**

- A. Whenever the Portage County Board of Commissioners finds that a person has violated a prohibition or failed to meet a requirement of these rules in conjunction with a failure to obtain any federal, state, or local permit necessary for sediment and erosion control, earth movement, clearing, or cut and fill activity; the Portage County Board of Commissioners may issue a stop work order to the responsible person.
- B. Notwithstanding the provisions of Paragraph A of this Section, whenever the Portage County Board of Commissioners finds that a person has violated any prohibition or failed to meet any requirement of these rules, the Portage County Board of Commissioners may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
  - 1. The performance of monitoring, analyses, and reporting;
  - 2. The elimination of illicit connections or discharges;
  - 3. That violating discharges, practices, or operations shall cease and desist;
  - 4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
  - 5. Payment of a fine to cover administrative and remediation costs; and
  - 6. The implementation of source control or treatment BMPs.
- C. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the Portage County Board of Commissioners may seek to have the work done by a designated governmental agency or a contractor, and the expenses charged to the violator.
- D. If, after a period of not less than thirty days has elapsed following the issuance of the notice of violation, the violation continues, the Portage County Board of Commissioners may issue a second notice of violation, including any relevant updated information.
- E. If, after a period of not less than fifteen days has elapsed following the issuance of the second notice of violation, the violation continues, the Portage County Board of Commissioners may issue a stop work order in accordance with R.C. 307.79.

1. In the case of any issuance of a stop work order, the Portage County Board of Commissioners shall request, in writing, the Portage County Prosecuting Attorney to seek an injunction or other appropriate relief in the court of common pleas, in accordance with Section XV of these rules.
2. The person to whom a stop work order is issued under this section may appeal the order to the Portage County Court of Common Pleas.

## **XV. INJUNCTIVE RELIEF**

Notwithstanding the provisions of Section XIV of these rules, if a person has violated or continues to violate the provisions of these rules, the Portage County Board of Commissioners may request in writing that the Portage County Prosecutor's Office petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. Each day of violation of any of these rules shall be considered a separate violation subject to a civil fine.

## **XVI. COMPENSATORY ACTION**

In lieu of enforcement proceedings, penalties, and remedies authorized by these rules, the RESPONSIBLE LOCAL JURISDICTION may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc. The RESPONSIBLE LOCAL JURISDICTION may recover all attorneys' fees court costs and other expenses associated with enforcement of these rules, including sampling and monitoring expenses.

## **XVII. REMEDIES NOT EXCLUSIVE**

The remedies listed in these rules are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Portage County Board of Commissioners to seek cumulative remedies.

## **XVIII. DEFINITIONS**

For the purposes of these rules, the following shall mean:

Authorized Enforcement Agency: The Portage County Board of Commissioners, its authorized employees, or its designees, including without limitation other County departments, boards, etc. not under the direct authority of the Portage County Board of Commissioners.

Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. ' 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section VII of these rules.

Illicit Connections. An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an Authorized Enforcement Agency or,

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an Authorized Enforcement Agency.

Illicit Discharge. Any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

Municipal Separate Storm Sewer System (MS4) is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are:

- (a) Owned or operated by the federal government, state, municipality, township, county, district, or other public body (created by or pursuant to state or federal law) including special district under state law such as a sewer district, flood control district or drainage districts, or similar entity, or a designated and approved management agency under section 208 of the act that discharges into surface waters of the state; and
- (b) Designed or used for collecting or conveying solely storm water,
- (c) Which is not a combined sewer, and
- (d) Which is not a part of a publicly owned treatment works.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC ' 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Person : means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Storm Water Pollution Prevention Plan: A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm water, Storm water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Surface Waters of the State means all streams, lakes, reservoirs, ponds, marshes, wetlands, or other waterways which are situated wholly or partly within the boundaries of the State, except those private waters which do not combine or affect a junction with a surface water. Waters defined as sewerage systems, treatment works, or disposal systems in Section 6111.01 of the ORC are not included.

Wastewater means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

**Resolution No. 09-0836**  
**“Exhibit B”**

**PORTAGE COUNTY CONSTRUCTION SITE SEDIMENT, EROSION, AND STORM WATER MANAGEMENT  
RULES**

**RECITALS**

Flooding and streambank erosion in PORTAGE COUNTY are a significant threat to public health and safety and public and private property, and storm water quantity control slows runoff and reduces its erosive force, and flood damage.

Insufficient control of storm water quantity can result in significant damage to receiving water resources, impairing the capacity of these resources to sustain aquatic systems and their associated aquatic life use designations.

Soil is most vulnerable to erosion by wind and water during soil disturbing activities and this eroded soil necessitates repair of sewers and ditches and dredging of rivers, harbors, and lakes; accelerates downstream bank erosion and damage to public and private property; endangers water resources by reducing water quality; and causes the siltation of aquatic habitat.

There is a regional effort to reduce the flooding, erosion and sedimentation within various watersheds and PORTAGE COUNTY and to protect and enhance the water resources of PORTAGE COUNTY, and PORTAGE COUNTY recognizes its obligation as a part of a watershed and the region to reduce flooding and erosion and to protect water quality by controlling runoff within its borders.

PORTAGE COUNTY has experienced and continues to experience significant costs associated with inadequate erosion and sediment control including legal fees, engineering services, and increased state and federal regulation.

To promote public health and safety and sound economic development in PORTAGE COUNTY, it is important to provide homebuilders, developers, and landowners with consistent, technically feasible, and operationally practical standards for storm water management and soil erosion and sediment control.

Title 40 Code of Federal Regulations (C.F.R.) Parts 9, 122, 123, and 124, referred to as NPDES Storm Water Phase II, require designated communities, including PORTAGE COUNTY, to develop a Storm Water Management Program to address among other components, erosion, sedimentation, and the quality of storm water runoff during and after soil disturbing activities.

**I. PURPOSE**

The intent of these rules is to establish consistent technically feasible and operationally practical standards to achieve a level of storm water management, and erosion and sediment control that will minimize damage to public and private property and the degradation of water resources, and will promote and maintain the health, safety, and welfare of the residents of PORTAGE COUNTY.

These rules further intend, without limitation, to:

1. Allow development while minimizing increases in downstream flooding, erosion, and sedimentation.
2. Reduce damage to receiving water resources and drainage systems that are caused by new development or redevelopment activities.
3. Control storm water runoff resulting from soil disturbing activities.
4. Assure that development site owners control the volume and rate of storm water runoff originating from their property so that surface water and ground water are protected, soil erosion is controlled, and flooding potential is not increased.
5. Preserve to the maximum extent practicable the natural drainage characteristics of the building site and minimize the need to construct, repair, and replace enclosed storm drain systems.
6. Preserve to the maximum extent practicable natural infiltration and groundwater recharge, and maintain subsurface flow that replenishes water resources, wetlands, and wells.
7. Assure that storm water controls are incorporated into site planning and design at the earliest possible stage.
8. Prevent unnecessary stripping of vegetation and loss of soil, especially adjacent to water resources and wetlands.
9. Reduce the need for costly maintenance and repairs to roads, embankments, sewage systems, ditches, water resources, wetlands, and storm water management practices that are the result of inadequate soil erosion, sediment and storm water control.
10. Reduce the long-term expense of remedial projects needed to address problems caused by inadequate storm water, erosion and sediment control.
11. Require the construction of storm water management practices that serve multiple purposes including flood control, soil erosion and sediment control, and require water quality protection; and encourage such practices that promote recreation and habitat preservation.
12. Ensure that all storm water management, soil erosion and sediment control practices are properly designed, constructed, and maintained.

## **II. DISCLAIMER OF LIABILITY**

Neither submission of a plan under the provisions herein, nor compliance with the provisions of these regulations, shall relieve any person or entity from responsibility for damage to any person or property that is otherwise imposed by law.

## **III. CONFLICTS, SEVERABILITY, NUISANCES & RESPONSIBILITY**

- A. Where these rules imposes a greater restriction upon land than is imposed or required by other PORTAGE COUNTY regulations, the provisions of these rules shall prevail.
- B. If a court of competent jurisdiction declares any clause, section, or provision of these rules invalid or unconstitutional, the validity of the remainder shall not be affected thereby.
- C. These rules shall not be construed as authorizing any person to maintain a private or public nuisance on their property. Compliance with the provisions of these rules shall not be a defense in any action to abate such nuisance.
- D. Failure of PORTAGE COUNTY to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the owner from the responsibility for the condition or damage resulting there from, and shall not result in PORTAGE COUNTY, its officers, employees, or agents being responsible for any condition or damage resulting there from.

#### **IV. EFFECTIVE DATE**

These rules shall become effective on January 1, 2010.

#### **V. SCOPE**

These rules apply to all developments, unless specifically exempted, that have a larger common plan of development equal to or larger than one (1) acre in size of disturbed area.

Applicants for non-commercial sites with less than five (5) acres of disturbed area should contact the Portage County Board of Commissioners prior to Storm Water Pollution Prevention Plan (SWP3) submittal. The Portage County Board of Commissioners reserves the right to waive or amend, in writing, individual SWP3 submission requirements for such sites.

These rules do not apply to:

Land disturbing activities related to producing agricultural crops or Silviculture operations regulated by the Ohio Agricultural Sediment Pollution Abatement Rules (1501: 15-3-01 to 1501: 15-3-09 of the Ohio Administrative Code) and existing at the time of passage of this regulation.

Coal surface mining operations regulated by Chapter 1513 of the Ohio Revised Code and existing at the time of passage of this regulation.

Other surface mining operations regulated by Chapter 1514 of the Ohio Revised Code and existing at the time of passage of this regulation.

#### **VI. STORM WATER POLLUTION PREVENTION PLAN**

In order to control storm water damage and pollution of water resources, wetlands, riparian areas, and other natural areas, the owner of each development area shall be responsible for developing a comprehensive Storm Water Pollution Prevention Plan (SWP3). The SWP3 must address all minimum components of the current Ohio EPA NPDES Construction General Permit and conform to the specifications of the current edition of the Ohio Rain Water and Land Development Manual. The SWP3 must make use of the practices that preserve the existing natural condition to the maximum extent practicable.

##### **A. Narrative Description of Site**

1. A description of the nature and type of construction activity (e.g., low density residential, shopping mall, highway, etc.).
  2. A description of the total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavating, filling or grading, including off-site borrow, fill or spoil areas and off-site utility installation areas).
  3. A description of the prior land uses of the site.
  4. An estimate of the impervious area and percent imperviousness created by the construction activity.
  5. The name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water and the major river watersheds in which it is located.
  6. All pertinent permit information, including but not limited to NPDES and wetland permit numbers.
  7. A description of the overall erosion and sediment control and water quality scheme for the site.
- B. Vicinity Map: Location map showing the larger common plan of development or sale in relation to surrounding area. Include location of receiving streams, wetlands and other surface waters.
- C. Clearing Limits & Grading Plan: Indicate limits and show acreage of earth disturbing activity, including excavations, filling, grading, and clearing of all areas and sublots. The entire subplot area shall be included. Show all borrow, spoil, and topsoil stockpile areas. Include existing and proposed topography shown in one (1) foot contours. Delineate drainage watersheds before, during and after major grading activities indicating the acreage of each area. Drainage maps for both pre-construction and post-construction conditions must also include flow paths used to determine time of concentration.
- D. Existing Development: Show locations of all prior land uses, existing and proposed buildings, roads, utilities, parking facilities, etc.
- E. Natural Feature & Surface Water Location: All pertinent surrounding natural features within 200 feet of the development site including, but not limited to:
1. Boundaries of wetlands and stream channels the owner intends to fill or relocate for which the applicant is seeking approval from the US Army Corps of Engineers and/or Ohio EPA. Wetland permit number(s) must be indicated on the cover page of the engineering drawings.
  2. Water resources such as wetlands, springs, lakes, ponds, rivers and streams (including intermittent streams with a defined bed and bank). The wetland class, as determined by the Ohio Rapid Assessment Method (ORAM), must be included.
  3. Conservation Easements
  4. Other sensitive natural features including, but not limited to, steep slopes and designated natural areas
- F. Soils Information: The types of soils within, or affected by, the development area, and the location of all highly erodible or unstable soils as determined by the most current edition of the Natural Resources Conservation Service (NRCS) soil survey of the county. An onsite, detailed Soils Engineering Report must be included if required by the Portage County Board of Commissioners and/or the Portage County Combined General Health District.
- G. Storm Water Runoff Considerations: Show the pre- and post-construction runoff coefficients including information such as the method used to calculate runoff. Include a narrative describing post-construction

storm water management BMPs, the rationale for their selection, and long-term maintenance provisions. Refer to Ohio EPA NPDES Construction General Permit.

- H. Best Management Practices (BMPs): Show locations of all structural and non-structural erosion and sediment control, storm water management and post-construction water quality best management practices (BMPs). All structural and nonstructural BMPs must be drawn to scale. The size, detail drawings, maintenance requirements and design calculations for all BMPs shall also be included. Settling ponds will be identified with basic dimensions and the calculations for size and volume.
- I. Schedule of Construction Activity: An implementation schedule which describes the sequence of major construction operations (i.e., grubbing, excavating, grading, utilities and infrastructure installation) and the installation of erosion, sediment and storm water management practices or facilities to be employed during each operation of the sequence.
- J. Sediment Trap Efficiency: All sediment basins and traps must maintain a minimum 75% trapping efficiency throughout the construction period as determined by engineering calculations.
- K. Off-Site Sediment Tracking: Minimize such tracking of sediments by vehicles by using gravel construction entrances and regularly-scheduled street sweeping. Show location of construction entrances and maintenance schedules for sweeping, if applicable.
- L. Individual Lots: For developments where the overall plan does not call for centralized sediment control capable of controlling multiple individual lots, a detail drawing of a project specific typical individual lot showing standard individual lot soil erosion and sediment control practices and the sequence and timing of BMP installation for the individual lots. This does not remove or eliminate the responsibility to designate and install specific soil erosion and sediment control practices for the storm water discharges.
- M. Maintenance & Inspections: For the construction phase of the development, include maintenance inspection requirements and schedules for all BMPs. For the post-construction phase of the development, include long-term maintenance requirements, appropriate legal agreements and/or easements, and schedules of all BMPs.
- N. Post-Construction Storm Water Quality: All sites five (5) or more acres in size must provide both structural and non-structural BMPs for water quality that capture and treat the Water Quality Volume. Refer to Ohio EPA NPDES Construction General Permit for design methodology. There can be no direct discharge of storm water from the site.
  - 1. The post-construction storm water quality component of the SWP3 must also include a long-term maintenance agreement, maintenance schedule, responsible party, and a funding mechanism to ensure the long-term function of the water quality structures, easements, and practices.
  - 2. Exemptions: Projects identified as exempt in Part III.G.2.e of the Ohio EPA NPDES Construction General Permit shall not need to comply with Post-Construction Storm Water Quality requirements.
  - 3. Off-site Mitigation: Post-Construction Storm Water Quality requirements may be satisfied through off-site mitigation per Part III.G.2.e of the Ohio EPA NPDES Construction General Permit with the following additional conditions:
    - a. Mitigation must be provided within Portage County, Ohio, as practicable.

- b. Modifications to an existing storm water control facility shall not reduce flood control benefits provided by the facility for rainfall events of all recurrence intervals up to and including the 100-year event in association with Portage County regulations.

O. Compliance With Other Rules & Regulations:

1. NPDES Permits: The provisions of the National Pollutant Discharge Elimination System (NPDES) Permits, issued by the Ohio EPA, shall be followed. Proof of compliance shall be, but is not limited to, a copy of the Ohio EPA NPDES Permit number or a letter from the site owner explaining why the NPDES Permit is not applicable. The written proof must be submitted with the SWP3.
2. Federal And State Wetland Permits: The provisions of the U.S. Army Corps of Engineers dredge and fill permits for federally-protected wetlands shall be followed. The provisions of Ohio EPA's Isolated Wetlands Permits shall also be followed. Wetlands and other waters of the United States shall be delineated on the entire site by protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time of the application of these regulations. Written proof of compliance with both permit programs must be submitted with the SWP3.

Proof of compliance shall be, but is not limited to, the following:

- a. A copy of the permit(s), if required for the project, showing project approval and any restrictions that apply to site activities; **or**
  - b. A site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable permit; **or**
  - c. A letter from the applicant verifying that a qualified professional has surveyed the site and found no wetlands or other waters of the United States; **or**
  - d. A letter of "no impact", or equivalent, from the permitting agency.
3. Ohio Dam Safety Laws: The provisions of the Ohio Dam Safety Laws shall be followed. Proof of compliance with the Ohio Dam Safety Law administered by the ODNR Division of Water shall be, but is not limited to, a copy of the ODNR Division of Water permit number or a copy of the project approval letter from the ODNR Division of Water or a letter from the site owner explaining why the Ohio Dam Safety Law is not applicable. The written proof must be submitted with the SWP3.

## VII. PERFORMANCE STANDARDS

The SWP3 must contain a description, location and sequence of all BMPs for each construction operation. Within seven (7) days of the start of clearing and grubbing the applicant must implement such controls. All BMPs must meet the criteria in the Ohio EPA Construction General Permit, NRCS Field Office Technical Guide, or the Ohio Rainwater and Land Development Manual, whichever is most stringent.

No project subject to this regulation shall commence without a SWP3 approved by the Portage County Board of Commissioners.

Upon receipt of SWP3 approval from the Portage County Board of Commissioners, the project owner shall erect weatherproof signage at locations selected by the Portage County Board of Commissioners that is clearly legible from the adjoining public rights-of-way and that states the following information:

Project Name  
Project Owner Name  
**General Contractor Name**  
Project Purpose

Phone Number for Portage County Board of Commissioners preceded by "REPORT SOIL EROSION AND SEDIMENT CONTROL VIOLATIONS BY CALLING:"

The Portage County Board of Commissioners shall investigate public complaints and utilize enforcement measures included in these rules. The signage shall be in place before commencement of soil disturbance through final site stabilization and submittal of the Ohio EPA NPDES Construction General Permit Notice of Termination (NOT) paperwork. The Portage County Board of Commissioners is the sole entity with authority to judge whether signage is adequately legible according to the terms of these rules.

No project subject to these rules shall commence without a pre-construction meeting being held with the Portage County Board of Commissioners. It is the responsibility of the developer or landowner to contact the Portage County Board of Commissioners to arrange this meeting.

The controls shall include the following minimum components:

A. DURING ACTIVE CONSTRUCTION

1. **NON-STRUCTURAL PRESERVATION MEASURES:** The applicant must make use of practices that preserve the existing natural conditions to the maximum extent practicable. Such practices may include: maintaining wetland and riparian setbacks, preserving existing vegetation and vegetative buffer strips, phasing of construction operations to minimize the amount of disturbed land at any one time, and designation of tree preservation areas or other protective clearing and grubbing practices.
2. **EROSION CONTROL PRACTICES:** The applicant must make use of erosion controls that are capable of providing cover over disturbed soils. A description of practices designed to restabilize disturbed areas after grading or construction shall be included in the SWP3. The SWP3 must provide specifications for stabilization of all disturbed areas of the site and provide guidance as to which method of stabilization will be employed for any time of the year. Such practices may include: temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing of construction activities, and alternative groundcover.
3. **SEDIMENT CONTROL PRACTICES:** The applicant must install structural practices that shall store runoff, allowing sediments to settle and/or divert flows away from exposed soils or otherwise limit runoff from exposed areas. Structural practices shall be used to control erosion and trap sediment from a site remaining disturbed for more than fourteen (14) days. Control practices shall be installed prior to grading and within seven (7) days from the start of grubbing. Practices may include: sediment settling ponds, silt fences, storm drain inlet protection, and earth diversion dikes or channels which direct runoff to a sediment settling pond. All sediment control practices must be capable of ponding runoff in order to be considered functional. Earth diversion dikes or channels alone are not considered a sediment control practice unless used in conjunction with a sediment settling pond.
4. **RUNOFF CONTROL PRACTICES:** The applicant must make use of measures that control the flow of runoff from disturbed areas and steep slopes so as to prevent erosion. Such practices may include: rock check dams, pipe slope drains, diversions to direct flow away from exposed soils, and protective grading practices that incorporate ground water infiltration.
5. **NON-SEDIMENT POLLUTANT CONTROLS:** The applicant must implement appropriate BMPs to prevent toxic materials, hazardous materials, or other debris from entering water resources or

wetlands. No solid or liquid waste, including building materials, shall be discharged in storm water runoff.

6. **TRENCH AND GROUND WATER CONTROL:** There shall be no sediment-laden discharges to water resources or wetlands resulting from dewatering activities. If trench or groundwater contains sediment, it must pass through a sediment settling pond or other equally effective sediment control device prior to being discharged from the construction site. Ground water dewatering which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care must be taken when discharging to ensure that it does not become pollutant-laden by traversing over disturbed soils or other pollutant sources.
7. **COMPLIANCE WITH OTHER REQUIREMENTS:** The SWP3 shall be consistent with applicable State and/or local waste disposal, sanitary sewer, or home sewage treatment system regulations, including provisions prohibiting waste disposal by open burning, and shall provide for the proper disposal of contaminated soils located within the development area.
8. **INTERNAL INSPECTIONS:** All controls must be inspected by the applicant or a qualified agent of the applicant at least once every seven (7) calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24-hour period. The purpose of the inspection is to ensure that the control practices are functional and to evaluate whether the SWP3 is adequate, or whether additional control measures are required. Inspection logs must be maintained according to the current Ohio EPA NPDES Construction General Permit, and must be made available upon request.
9. **MAINTENANCE:** The SWP3 shall be designed to minimize maintenance requirements. All control practices shall be maintained and repaired as needed to ensure continued performance of their function until final stabilization.

When inspections reveal the need for repair, replacement or installation of erosion and sediment control BMPs, the following procedures shall be followed:

- a. When practices require repair or maintenance: If an inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment settling pond, it must be repaired or maintained within three (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.
  - b. When practices fail to provide their intended function: If an inspection reveals that a control practice fails to perform its intended function as detailed in the SWP3, and that another, more appropriate control practice is required, the SWP3 must be amended and the new control practice must be installed within ten (10) days of the inspection.
  - c. When practices depicted on the SWP3 are not installed: If an inspection reveals that a control practice has not been implemented in accordance with the schedule, the control practice must be implemented within ten (10) days from the date of the inspection. If the internal inspection reveals that the planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.
10. **PRE-WINTER STABILIZATION:** If the development area will, or is planned to, remain active through the winter months, the owner of the development area shall hold a Pre-Winter Stabilization Meeting. The meeting will be held before October 1<sup>st</sup>. The applicant shall invite the operator, developer, engineer, contractor, and Portage County Board of Commissioners.

11. FINAL STABILIZATION: Final stabilization is reached when 75% of the disturbed area has been protected from erosion by permanent vegetation, clean stone, pavement or other acceptable means.

## **B. POST-CONSTRUCTION WATER QUALITY PRACTICES**

1. NON-STRUCTURAL WATER QUALITY PRACTICES: Non-structural post-construction best management practices include preservation, planning or procedures that protect sensitive natural areas, direct development away from water resources, and limit the creation of impervious surfaces. Examples of such practices include: conservation easements, riparian and wetland setbacks, conservation subdivision design, and low impact development design.
  - a. All non-structural water quality practices must be protected from disturbance through the construction phase of the project.
  - b. All non-structural water quality practices must be protected in perpetuity through the use of appropriate legal tools. All easement or conservation areas must appear on the final plat and be disclosed to potential buyers.
  - c. All non-structural post-construction water quality practices must have a maintenance agreement with an inspection schedule that details the maintenance types and methods to be used. The agreement must also identify the responsible party and include a detailed funding mechanism.
2. STRUCTURAL WATER QUALITY PRACTICES: Structural post-construction practices are permanent features designed and constructed to provide treatment of storm water runoff either through storage, infiltration, or filtration. They must be capable of treating the Water Quality Volume with target drain times as defined in Ohio EPA's Construction General permit for all sites greater than or equal to 5 acres. Examples of such practices include: wet detention ponds, dry extended detention ponds, constructed wetlands, sand and organic filters, bioretention cells, water quality swales, vegetative filter strips, and infiltration trenches or basins.
  - a. All structural water quality practices must be installed prior to the completion of the project. Structural water quality practices should be made functional once the disturbed areas on site are stabilized. If detention/retention facilities were used for sediment control during development, sediments must be removed prior to the basin being used for post-construction storm water quality.
  - b. All structural post-construction water quality practices must have a maintenance agreement with an inspection schedule that details the maintenance types and methods to be used. The agreement must also identify the responsible party and include a detailed funding mechanism.

These performance standards are general guidelines and shall not limit the right of the Portage County Board of Commissioners to impose in the future additional, more stringent requirements, nor shall the standards limit the right of the Portage County Board of Commissioners to waive, in writing, individual requirements.

## **VIII. EASEMENTS**

Future access to floodplains, flood control facilities, runoff drainage ditches and channels, runoff storage facilities, storm sewers and other drainage ways and structures, as required by the Portage County Board of Commissioners, shall be secured by means of easements.

- A. The easements shall be recorded in the name of the Portage County Board of Commissioners and, in single-family residential developments, the homeowners association.

- B. Such easements shall be not less than thirty (30) feet in width, in addition to the width of the ditch, channel, or other facility it is to serve. Access easements of this type shall be provided on one (1) side of the flood control or storm drainage ditch, channel, or similar type facility.
- C. Access adjacent to storm water facilities shall consist of a minimum thirty (30) foot easement in the case of detention (dry) basins, and a minimum thirty (30) foot easement with a minimum thirty (30) foot level bench in the case of retention (wet) basins, measured from the top of the bank, and shall include the storage facility itself.
- D. Easements for the emergency flow ways shall be a minimum of thirty (30) feet in width, or larger if required by the Portage County Board of Commissioners.
- E. Flood control or storm drainage easements containing underground facilities shall have a minimum width of thirty (30) feet.
- F. The easements shall be restricted against the planting within said easement of trees, shrubbery or plantings with woody growth characteristics that would impede the flow of water, and against the construction therein of buildings, accessory buildings, fences, walls or any other obstructions to the free flow of storm water and the movement of inspectors and maintenance equipment and also restricted against the changing of final grade from that described by the grading plan.
- G. The easements shall connect to a public right-of-way with a minimum thirty (30) foot frontage along said public right-of-way.

#### **IX. CONSTRUCTION AND MAINTENANCE GUARANTEE**

All permanent storm water, soil erosion, other wastes control, and water quality practices not specifically waived by Portage County Board of Commissioners shall be constructed prior to the granting of the final plat approval.

The owner will provide a maintenance guarantee for all permanent improvements, and soil erosion, wastes controls, and water quality practices.

The Portage County Board of Commissioners shall require a Security Bond, Escrow Account, Certified Check or Cash to guarantee that the planned temporary and permanent soil erosion, sediment, and other wastes controls and water quality practices will be constructed and removed in a timely manner, as determined by the Portage County Board of Commissioners.

- A. The Guarantee: The guarantee of both performance and maintenance will be in the form of a Security Bond, Escrow Account, Certified Check, or Letter of Credit. The Security Bond, Escrow Account, Certified Check, or Letter of Credit will be used by PORTAGE COUNTY to complete any guaranteed construction or removal of improvements or temporary and permanent soil erosion, sediment, and other wastes control practices that are not adequately completed, maintained or removed by the owner in a timely manner, as determined by the Portage County Board of Commissioners. The Security Bond, Escrow Account, Certified Check, or Letter of Credit will be in the total amount of both the performance guarantee and the maintenance guarantee.
  - 1. Security Bond, Escrow Account, Certified Check, or Letter of Credit shall be deposited with Portage County Board of Commissioners prior to review by the Portage County Board of Commissioners

and/or its consultants to cover professional services of the Portage County Board of Commissioners Building Commissioner, Zoning Inspector and/or other experts required by the Portage County Board of Commissioners.

2. No soil disturbing activities shall be permitted until a Security Bond, Escrow Account, Certified Check, or Letter of Credit has been posted to the satisfaction of the Portage County Board of Commissioners sufficient for Portage County Board of Commissioners to perform the obligations otherwise to be performed by the owner or person responsible for the development area as stated in this regulation, and to allow all work to be performed as needed in the event that the owner or person responsible for the development area fails to comply with the provisions of this regulation. The Security Bond, Escrow Account, Certified Check, or Letter of Credit shall be released only after all work required by this regulation has been completed to the satisfaction of the Portage County Board of Commissioners and all permit and inspection fees required by these regulations have been paid in full.
- B. Performance Guarantee: The furnishing of a performance guarantee will be maintained in an amount of not less than 120% of the estimate approved by the Portage County Board of Commissioners, of installation of the deferred improvements.
  - C. Maintenance Guarantee: The maintenance guarantee shall be maintained for a period of not less than two (2) years after final acceptance of the storm water, soil erosion, sediment, and other wastes control practices in an amount equal to 20% of the estimate approved by the Portage County Board of Commissioners for the construction and, where necessary, removal of such practices.
  - D. Time Extension: The Portage County Board of Commissioners may extend for cause the time allowed for the installation of the improvements for which the performance guarantee has been provided with the receipt of a written request from the owner.
  - E. Completion: Upon completion of the construction of improvements or temporary and/or permanent, soil erosion, sediment, and other wastes control practices and the removal of the temporary soil erosion, sediment, and other wastes control practices for which the performance guarantee has been provided the owner shall notify the Portage County Board of Commissioners of this fact.
  - F. Inspection: The Portage County Board of Commissioners will not release the Security Bond, Escrow Account, Certified Check, or Letter of Credit guarantee until the Portage County Board of Commissioners has inspected the site to ensure that the guaranteed item(s) have been completed and/or removed.
  - G. Slow Release Devices: Performance and maintenance guarantees will be maintained on the temporary sediment removal slow release devices installed in detention and retention basins until the entire site has reached final soil stabilization. Final stabilization in single-family residential developments is when 90% of the homes are constructed with their lawns completely installed and any remaining unbuilt lots having been permanently stabilized with a uniform ground cover at a growth density of 80% or better.
  - H. Release: The Construction Maintenance Guarantee shall not be released by Portage County Board of Commissioners until all temporary soil erosion and sediment control practices that are no longer needed have been removed, properly disposed of and any trapped sediment has been stabilized.

## **X. VIOLATIONS AND PENALTIES**

- A. No person shall violate, or cause, or knowingly permit to be violated, any of the provisions of these rules, or fail to comply with any such provisions or with any lawful requirements of any public authority made pursuant to these rules, or knowingly use or cause or permit the use of any lands in violation of these rules or in violation of any permit granted under these rules.
- B. Whenever the Portage County Board of Commissioners finds that a person has violated a prohibition or failed to meet a requirement of these rules in conjunction with a failure to obtain any federal, state, or local permit necessary for sediment and erosion control, earth movement, clearing, or cut and fill activity; the Portage County Board of Commissioners may issue a stop work order to the responsible person. Upon receipt from the Portage County Board of Commissioners, of such a stop work order, such work shall immediately stop. The order shall be in writing and shall be given to the owner or person responsible for the development area, or person performing the work, and shall state the conditions under which such work may be resumed; provided, however, in instances where immediate action is deemed necessary for public safety or the public interest, the Portage County Board of Commissioners may require that work be stopped upon verbal order pending issuance of the written order.
- C. Notwithstanding the provisions of Paragraph B of this Section, whenever the Portage County Board of Commissioners finds that a person has violated any prohibition or failed to meet any requirement of these rules, the Portage County Board of Commissioners may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
  - 1. That violating practices or operations shall cease and desist;
  - 2. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
  - 3. Payment of a fine to cover administrative and remediation costs; and
  - 4. The implementation of source control or treatment BMPs.
- E. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the Portage County Board of Commissioners may seek to have the work done by a designated governmental agency or a contractor, and the expenses charged to the violator. If, after a period of not less than thirty days has elapsed following the issuance of the notice of violation, the violation continues, the Portage County Board of Commissioners may issue a second notice of violation, including any relevant updated information.
- F. If, after a period of not less than fifteen days has elapsed following the issuance of the second notice of violation, the violation continues, the Portage County Board of Commissioners may issue a stop work order in accordance with R.C. 307.79. The conditions of the issuance of such stop work order shall be the same as those set forth in Paragraph B of this Section.
  - 1. In the case of any issuance of a stop work order under this section, the Portage County Board of Commissioners shall request, in writing, the Portage County Prosecuting Attorney to seek an

injunction or other appropriate relief in the court of common pleas, in accordance with Section XI of these rules.

2. The person to whom a stop work order is issued under this section may appeal the order to the Portage County Court of Common Pleas.

## **XI. INJUNCTIVE RELIEF**

Notwithstanding the provisions of Section X of these rules, if a person has violated or continues to violate the provisions of these rules, the Portage County Board of Commissioners may request in writing that the Portage County Prosecutor's Office petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. Each day of violation of any of these rules shall be considered a separate violation subject to a civil fine.

## **XII. APPLICATION PROCEDURES FOR STORM WATER POLLUTION PREVENTION PLANS:**

- A. Five (5) sets of the SWP3 and necessary data required by this regulation shall be submitted to the Portage County Board of Commissioners with text material being submitted on 8.5 by 11 inch paper and drawings on no larger than 24 by 36 inch sized paper. The SWP3 shall be prepared and signed by a professional in soil and erosion control. Acceptable examples include a Professional Engineer licensed to practice in the State of Ohio or a Certified Professional in Erosion and Sediment Control (CPESC).
- B. The application must include a letter or report from the Portage Soil and Water Conservation District that states that the SWP3 has been reviewed for consistency with Ohio EPA and local regulations.
- C. The SWP3 developed by the site owners and approved by Portage County Board of Commissioners in accordance with this regulation do not relieve the site owner of responsibility for obtaining and complying with all other necessary permits and/or approvals from federal, state, county, and local agencies and departments. If requirements vary, the most stringent requirement shall be followed.
- D. The Portage County Board of Commissioners shall review the SWP3 and supporting data, and shall approve or return these with comments and recommendations for revisions within thirty (30) working days after receipt of the SWP3 as described above. A SWP3 rejected because of deficiencies shall receive a report stating specific problems. At the time of receipt of a revised SWP3, another thirty (30) day review period shall begin.
- E. Approved plans shall remain valid for two (2) years from the date of approval. After two (2) years the plan(s) approval automatically expires
- F. No soil disturbing activity shall begin before the SWP3 has been approved by the Portage County Board of Commissioners, or before all necessary local, county, state and federal permits have been granted to the owner or operator.
- G. The Portage County Board of Commissioners will perform site inspections until the site reaches final stabilization as determined by the Portage County Board of Commissioners.
- H. The Portage County Board of Commissioners shall assess fees for site and storm water plan reviews, as well as site inspections as follows:

Plan Review: \$125/hr  
Inspection: \$85/hr

### **XIII. DEFINITIONS, as used in these rules:**

**BEST MANAGEMENT PRACTICE (BMP):** Any practice or combination of practices that is determined to be the most effective, practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources of pollution to a level compatible with water quality goals. BMPs may include structural practices, conservation practices and operation and maintenance procedures.

**CHANNEL:** A natural stream that conveys water, or a ditch or channel excavated for the natural flow of water.

**CONSERVATION:** The wise use and management of natural resources.

**DETENTION BASIN:** A storm water management pond that remains dry between storm events. Storm water management ponds include a properly engineered/designed volume which is dedicated to the temporary storage and slow release of runoff waters.

**DEVELOPMENT AREA:** Any tract, lot, or parcel of land, or combination of tracts, lots or parcels of land, which are in one ownership, or are contiguous and in diverse ownership, where earth-disturbing activity is to be performed.

**DISTURBED AREA:** An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities.

**DITCH:** An excavation, either dug or natural, for the purpose of drainage or irrigation, and having intermittent flow.

**EARTH DISTURBING ACTIVITY:** Any grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed.

**EARTH MATERIAL:** Soil, sediment, rock, sand, gravel, and organic material or residue associated with or attached to the soil.

**EROSION:** The process by which the land surface is worn away by the action of water, wind, ice or gravity.

**EXISTING:** In existence at the time of the passage of these regulations.

**FINAL STABILIZATION:** All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least 70% coverage for the area has been established or equivalent stabilization measures, such as the use of mulches or geotextiles, have been employed.

**GRADING:** Earth disturbing activity such as excavation, stripping, cutting, filling, stockpiling, or any combination thereof.

**GRUBBING:** Removing, clearing or scalping material such as roots, stumps or sod.

**LARGER COMMON PLAN OF DEVELOPMENT OR SALE:** A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

**LANDSLIDE:** The rapid mass movement of soil and rock material downhill under the influence of gravity in which the movement of the soil mass occurs along an interior surface of sliding.

**MAXIMUM EXTENT PRACTICABLE:** The level of pollutant reduction that site owners of small MS4s regulated under the NPDES Phase II permit program.

**NATURAL RESOURCES CONSERVATION SERVICE (NRCS):** An agency of the United States Department of Agriculture, formerly known as the Soil Conservation Service (SCS).

**NPDES PERMIT:** A National Pollutant Discharge Elimination System Permit issued by Ohio EPA under the authority of the USEPA, and derived from the Federal Clean Water Act.

**OHIO EPA:** The Ohio Environmental Protection Agency.

**OHIO RAINWATER & LAND DEVELOPMENT MANUAL:** Ohio's standards for storm water management, land development, and urban stream protection. The most current edition of these standards shall be used with this regulation.

**PERSON:** Any individual, corporation, partnership, firm, trust, commission, board, joint venture, agency, unincorporated association, municipal corporation, township, county, state agency, the federal government, other legal entity, or an agent thereof.

**PORTAGE COUNTY BOARD OF COMMISSIONERS:** The board consisting of the duly elected commissioners of Portage County, or the Board's authorized representative or delegate, by direct employment or by contract.

**REDEVELOPMENT:** The demolition or removal of existing structures or land uses and construction of new ones.

**RETENTION BASIN:** A storm water management pond that maintains a permanent pool of water. These storm water management ponds include a properly engineered/designed volume dedicated to the temporary storage and slow release of runoff waters.

**RIPARIAN AREA:** Naturally vegetated land adjacent to watercourses which, if appropriately sized, helps to stabilize streambanks, limit erosion, reduce flood flows, and/or filter and settle out runoff pollutants, or which performs other functions consistent with the purposes of these regulations.

**RIPARIAN SETBACK:** Those vegetated lands which are alongside streams where earth disturbing activities will not take place and natural vegetation will not be removed.

**SEDIMENT:** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity or ice, and has come to rest on the earth's surface either on dry land or in a body of water.

**SEDIMENT SETTLING POND:** A temporary sediment pond that releases runoff at a controlled rate. It is designed to slowly release runoff, detaining it long enough to allow most of the sediment to settle out of the

water. The outlet structure is usually a designed pipe riser and barrel. The entire structure is removed after construction. Permanent storm water detention structures can be modified to function as temporary sediment basins.

**SEDIMENT CONTROL:** The limiting of sediment being transported by controlling erosion or detaining sediment-laden water and, allowing the sediment to settle out.

**SEDIMENT POLLUTION:** A failure to use management or conservation practices to control wind or water erosion of the soil and to minimize the degradation of water resources by soil sediment in conjunction with land grading, excavating, filling, or other soil disturbing activities on land used or being developed for commercial, industrial, residential, or other purposes.

**SENSITIVE NATURAL AREA:** An area or water resource that requires special management because of its susceptibility to sediment pollution, or because of its importance to the well-being of the surrounding communities, region, or the state. It may also be referred to as a critical natural area.

**SETTLING POND:** A runoff detention structure, such as a sediment basin or sediment trap, which detains sediment-laden runoff, allowing sediment to settle out.

**SOIL:** Unconsolidated erodible earth material consisting of minerals and/or organics.

**SOIL EROSION AND SEDIMENT CONTROL PRACTICES:** Conservation measures used to control sediment pollution and including structural practices, vegetative practices and management techniques.

**SOIL STABILIZATION:** Vegetative or structural soil cover that controls erosion, and includes permanent and temporary seeding, mulch, sod, pavement, etc.

**SOIL SURVEY:** The official soil survey produced by the Natural Resources Conservation Service, USDA in cooperation with the Division of Soil and Water Conservation, ODNR and the local Board of County Commissioners.

**STORM WATER CONVEYANCE:** All storm sewers, channels, streams, ponds, lakes, etc., used for conveying concentrated storm water runoff, or for storing storm water runoff.

**STORM WATER POLLUTION PREVENTION PLAN (SWP3):** The plan required by Ohio EPA to meet the requirements of its National Pollutant Discharge Elimination System (NPDES) Permit program for construction activities.

**STREAM:** A body of water running or flowing on the earth's surface, or a channel with a defined bed and banks in which such flow occurs. Flow may be seasonally intermittent.

**SWCD:** Soil & Water Conservation District.

**UNSTABLE SOIL:** A portion of land surface or area which is prone to slipping, sloughing or landslides, or is identified by Natural Resources Conservation Service methodology as having a low soil strength.

**USEPA:** The United States Environmental Protection Agency.

**WASTEWATER:** Any water that is contaminated with gasoline, fuel oil, hydrocarbon based chemicals, paint, paint washing liquids or other paint wastes, sanitary wastes, or any other Ohio EPA regulated contaminants.

**WATERCOURSE:** Any natural, perennial, or intermittent channel with a defined bed and banks, stream, river or brook.

**WATER RESOURCES:** All streams, lakes, ponds, wetlands, water courses, waterways, drainage systems, and all other bodies or accumulations of surface water, either natural or artificial, which are situated wholly or partly within, or border upon this state, or are within its jurisdiction, except those private waters which do not combine or affect a junction with natural surface waters.

**WETLAND:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (40 Codified Federal Register (CFR) 232, as amended). Wetlands shall be delineated by a site survey approved by PORTAGE COUNTY using delineation protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time of application of this regulation. If a conflict exists between the delineation protocols of these two agencies, the delineation protocol that results in the most inclusive area of wetlands shall apply.

**WETLAND SETBACK:** Those lands adjacent to wetlands where earth disturbing activities will not take place and natural vegetation will not be removed.

**WINTER:** October 1<sup>st</sup> to April 1<sup>st</sup> of each year.

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**RESOLUTION No. 09-0837 - RE: ENTER INTO REAL ESTATE LEASE AGREEMENT AMENDMENT NO. 12 WITH WOMEN, INFANTS AND CHILDREN'S PROGRAM (WIC) FOR THE PREMISES LOCATED AT THE PORTAGE COUNTY ADMINISTRATION BUILDING.**

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

**WHEREAS,** a lease agreement between the parties was entered into on January 1, 1999 by Resolution No. 99-035 to lease real estate property situated in the City of Ravenna, Portage County, known for street numbering purposes as 449 S. Meridian Street, Ravenna, Ohio for the term of January 1, 1999 until December 31, 1999; and

**WHEREAS,** Amendment No. 1 was entered into on September 21, 2000 by Resolution No. 00-688 extending the term of the Lease Agreement from January 1, 2000 until December 31, 2000; and

**WHEREAS,** Amendment No. 2 was entered into on October 17, 2000 by Resolution No. 00-753 extending the term of the Lease Agreement from January 1, 2001 until December 31, 2001; and

- WHEREAS,** Amendment No. 3 was entered into on April 30, 2002 by Resolution No. 02-0303 extending the term of the Lease Agreement from January 1, 2002 until September 30, 2002; and
- WHEREAS,** Amendment No. 4 was entered into on September 3, 2002 by Resolution No. 02-0727 extending the term of the Lease Agreement from October 1, 2002 until September 30, 2003 and increasing the rental amount from \$771.00 per month to \$848.00 per month; and
- WHEREAS,** Amendment No. 5 was entered into on October 2, 2003 by Resolution No. 03-0746 extending the term of the Lease Agreement from October 1, 2003 until September 30, 2004 and increasing the rental amount from \$848.00 per month to \$890.40 per month; and
- WHEREAS,** Amendment No. 6 was entered into on February 15, 2005 by Resolution No. 05-0054 extending the term of the Lease Agreement from October 1, 2004 until September 30, 2005 and increasing the rental amount from \$890.40 per month to \$934.92 per month; and
- WHEREAS,** Amendment No. 7 was entered into on September 22, 2005 by Resolution No. 05-0993 extending the term of the Lease Agreement from October 1, 2005 until September 30, 2006 and increasing the rental amount from \$934.92 per month to \$981.66 per month; and
- WHEREAS,** Amendment No. 8 was entered into on October 12, 2006 by Resolution No. 06-0826 extending the term of the Lease Agreement from October 1, 2006 until September 30, 2007 and increasing the rental amount from \$981.66 per month to \$1,030.74 per month; and
- WHEREAS,** Amendment No. 9 was entered into on March 8, 2007 by Resolution 07-0181 which bans smoking in all public buildings and places of employment (issue 5); and
- WHEREAS,** Amendment No. 10 was entered into on August 30, 2007 by Resolution No. 07-0835 extending the term of the Lease Agreement from October 1, 2007 until September 30, 2008 and increasing the rental amount from \$1,030.74 per month to \$1,082.28 per month; and
- WHEREAS,** Amendment No. 11 was entered into on July 24, 2008 by Resolution No. 08-0677 extending the term of the Lease Agreement from October 1, 2009 until September 31, 2009 and increasing the rental amount from \$1082.28 per month to \$1,136.39 per month; and
- WHEREAS,** the Board of Commissioners wishes to enter into Amendment No. 12 to lease real estate property situated in the City of Ravenna, Portage County, known for street numbering purposes as 449 S. Meridian Street, Ravenna, Ohio; and
- WHEREAS,** WIC has an interest in leasing said property; now therefore be it

**RESOLVED,** that the Board of Portage County Commissioners does hereby agree to enter into said Lease Agreement Amendment No. 12 for the property listed above with WIC for a term of twelve (12) months, beginning October 1, 2009 and ending on September 30, 2010 and be it further

**RESOLVED,** that Lessee shall pay to Lessor rent in the sum of \$14,318.52 (fourteen thousand three hundred eighteen dollars and fifty two cents) throughout the one-year term in equal installments of \$1,193.21 (one thousand one hundred ninety three dollars and twenty one cents) each month; 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. 09-0838**

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**RE:**

**ENTER INTO REAL ESTATE LEASE AGREEMENT  
AMENDMENT NO. 12 WITH WOMEN, INFANTS AND  
CHILDREN'S PROGRAM (WIC) FOR 2500 SQUARE FOOT  
OFFICE SPACE IN A COMMERCIAL BUILDING KNOWN AS  
LINCOLN PLACE, COLUMBIANA COUNTY, OHIO.**

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

**WHEREAS,** a lease agreement between the parties was entered into on January 6, 1998 by Resolution No. 99-035 to lease 2500 square foot office space in a commercial building known as Lincoln Place, Columbiana County, Ohio for the term of January 1, 1998 until December 31, 1998; and

**WHEREAS,** Amendment No. 1 was entered into on September 21, 2000 by Resolution No. 00-687 extending the term of the Lease Agreement from January 1, 2000 until December 31, 2000; and

**WHEREAS,** Amendment No. 2 was entered into on October 17, 2000 by Resolution No. 00-752 extending the term of the Lease Agreement from January 1, 2001 until December 31, 2001; and

**WHEREAS,** Amendment No. 3 was entered into on April 30, 2002 by Resolution No. 02-0302 extending the term of the Lease Agreement from January 1, 2002 until September 30, 2002; and

- WHEREAS,** Amendment No. 4 was entered into on September 3, 2002 by Resolution No. 02-0726 extending the term of the Lease Agreement from October 1, 2002 until September 30, 2003; and
- WHEREAS,** Amendment No. 5 was entered into on October 2, 2003 by Resolution No. 03-0747 extending the term of the Lease Agreement from October 1, 2003 until September 30, 2004; and
- WHEREAS,** Amendment No. 6 was entered into on February 15, 2005 by Resolution No. 05-0055 extending the term of the Lease Agreement from October 1, 2004 until September 30, 2005; and
- WHEREAS,** Amendment No. 7 was entered into on September 22, 2005 by Resolution No. 05-0992 extending the term of the Lease Agreement from October 1, 2005 until September 30, 2006; and
- WHEREAS,** Amendment No. 8 was entered into on October 12, 2006 by Resolution No. 06-0827 extending the term of the Lease Agreement from October 1, 2006 until September 30, 2007; and
- WHEREAS,** Amendment No. 9 was entered into on March 8, 2007 by Resolution 07-0182 which bans smoking in all public buildings and places of employment (issue 5); and
- WHEREAS,** Amendment No. 10 was entered into on August 30, 2007 by Resolution No. 07-0834 extending the term of the Lease Agreement from October 1, 2007 until September 30, 2008; and
- WHEREAS,** Amendment No. 11 was entered into on July 24, 2008 by Resolution No. 08-0676 extending the term of the Lease Agreement from October 1, 2008 until September 30, 2009; and
- WHEREAS,** the Board of Commissioners wishes to enter into Amendment No. 12 to continue to lease 2500 square foot office space in a commercial building known as Lincole Place, Columbiana County, Ohio; and
- WHEREAS,** WIC has an interest in leasing said property; now therefore be it
- RESOLVED,** that the Board of Portage County Commissioners does hereby agree to enter into said Lease Agreement Amendment No. 12 for the property listed above with WIC for a term of twelve (12) months, beginning October 1, 2009 and ending on September 30, 2010; and be it further
- RESOLVED,** that Lessee shall pay to Lessor rent in the sum of Twenty six thousand three dollars and 04/100 (\$26,003.04) throughout the one-year term in equal installments of Two thousand one hundred sixty six and 92/100 dollars (\$2,166.92) each; 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. 09-0839                      -                      RE:                      ENTER INTO AN AGREEMENT BETWEEN THE BOARD OF COMMISSIONERS AND AT & T DATACOMM INC. FOR A FIVE (5) YEAR 911 MAINTENANCE & SERVICE PLAN**

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

**WHEREAS,**                      Portage County currently has AT & T DataComm Inc. for maintenance and service on the 911 Positron Lifeline equipment; and

**WHEREAS,**                      Portage County desires to continue to maintain the 911 Positron Lifeline equipment to insure safety, reliability and dependability of 911 service to the citizen's of Portage County; now therefore be it

**RESOLVED,**                      that the Board of Portage County Commissioners does hereby agree to enter into an Agreement between the Board and AT&T DataComm, 45 Erieview Plaza, Cleveland OH 44114 to provide maintenance and services at the rate of Seven thousand, nine hundred thirty-one and 16/100 dollars (\$7,931.16) annual for the period March 21, 2009 to March 20, 2014 to be paid from funds collected for 911; 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. 09-0840                      -                      RE:                      ACCEPT THE RESIGNATION AGREEMENT AND RELEASE FOR TONY NAGELLA**

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

**WHEREAS,**                      an appeal is pending in the State of Ohio Personnel Board of Review regarding the continued employment of Mr. Nagella; and

**WHEREAS,** the parties intend to resolve this matter amicably and avoid further litigation and costs; and

**WHEREAS,** the Sheriff denies any obligation or liability to Mr. Nagella for payment, and Mr. Nagella acknowledges that nothing in the agreement is to be construed as an admission of liability or obligation on the part of the County; now therefore be it

**RESOLVED,** that the Board of Commissioners agree to accept the resignation agreement and release executed by Mr. Nagella, for full settlement of Fifty thousand and 00/100 Dollars (\$50,000.00) and that such funds be paid from the health benefit fund as recommended and approved by the Portage County Prosecutor; and be it further

**RESOLVED,** that the Board of Commissioners finds and determines that all formal actions of this Board concerning end 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 an 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. 09-0841**

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**RE:**

**APPROVE THE REVISED PREVENTION, RETENTION AND CONTINGENCY PLAN, EFFECTIVE OCTOBER 1, 2009, FOR THE PORTAGE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES.**

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

**WHEREAS,** Chapter 5108 of the Ohio Revised Code and rules issued under the chapter require that the Department of Job & Family Services to adopt a written statement of policies governing the prevention, retention, and contingency program for Portage County; and,

**WHEREAS,** Revision No. 1 of the Prevention-Retention-Contingency Plan was entered into on February 22, 2007 through Resolution No. 07-0163 and became effective March 1, 2007; and

**WHEREAS,** Revision No. 2 of the Prevention-Retention-Contingency Plan was entered into on October 4, 2007 through Resolution No. 07-0996 and became effective November 1, 2007; and

**WHEREAS,** Revision No. 3 of the Prevention-Retention-Contingency Plan was entered into on January 24, 2008 through Resolution No. 08-0085 and became effective February 15, 2008; and

**WHEREAS,** Revision No. 4 of the Prevention-Retention-Contingency Plan was entered into on May 22, 2008 through Resolution No. 08-0469 and became effective July 1, 2008; and

**WHEREAS,** Revision No. 5 of the Prevention-Retention-Contingency Plan was entered into on September 25, 2008 through Resolution No. 08-0980 and became effective October 1, 2008; and

**WHEREAS,** the Director of the Portage County Department of Job & Family Services presented the Board of Commissioners with the Revised Prevention-Retention-Contingency Plan for the Portage County Department of Job & Family Services Division of Family Employment & Support Services, advising the Board of Commissioners that the Plan was revised in accordance with Substitute House Bill 408 and Chapter 5108 of the Ohio Revised and reviewed by the County Community Planning Committee; and,

**WHEREAS,** the Portage County Prosecutor's Office reviewed the revised Plan and advised that the proposed changes are consistent with the requirements of the applicable statutes and related regulations; now therefore be it

**RESOLVED,** that the Board of Portage County Commissioners does hereby certify that the Portage County Department of Job & Family Services complied with Chapter 5108 of the Ohio Revised Code in adopting the statement of policies and agrees to adopt this revised Prevention, Retention and Contingency (PRC) Plan in its entirety, as presented by the Director of the Portage County Department of Job and Family Services, effective October 1, 2009; 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. 09-0842**

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**RE:**

**DESIGNATION OF FINANCIAL INSTITUTION AS A DEPOSITORY OF PUBLIC MONEYS OF THE COUNTY OF PORTAGE.**

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

**WHEREAS,** the following financial institution has filed an application and has been found to be eligible to be designated as a public depository, and, upon the recommendation of the Portage County Treasurer it is now therefore

**RESOLVED,** that the following financial institution be designated as public depository for active and/or inactive moneys of the County of Portage and/or all moneys coming lawfully into the possession and/or custody of the Portage County Treasurer:

TriState Bank

;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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**RESOLUTIONS**

September 10, 2009

1. Approval of Meeting Minutes from the September 8, 2009 regular Board Meeting as presented.
2. Approve the Bills as presented by the County Auditor and reviewed by the Internal Auditor./09-826
3. Approve the wire transfer as presented by the County Auditor./09-827
4. Approve the Journal Vouchers as presented by the County Auditor./09-828
5. Approve Then & Now as presented by the County Auditor./09-829
6. Shelter for victims of Domestic Violence – distribution of monies accumulated in marriage licenses/divorce fees special funding for the year 2010./09-830
7. Accept donation to the Office of the Portage County Dog Warden from Noah’s Ark Child Care./09-831
8. Accept donation to the Office of the Portage County Dog Warden from Linda Barber./09-832
9. Accept proposal of KCI Technologies, Inc. and enter into an agreement to prepare an ecological memorandum of agreement, cultural resources photolog, categorical exclusion document, 404 Army Corps of Engineers Wetland Permit and analyze hydraulic opening for the NEL 160 TH250A Bridge Replacement project on Hopkins Rd. over Eagle Creek in Nelson Township, Portage County (County Engineer)./09-833

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**INVITATIONS/MEETING NOTICES**

September 10, 2009

1. Invitation to the Taste of the NFL on Tuesday, September 29, 2009, 5:30-9:00 PM, Pro Football Hall of Fame, Canton.

2. Notice of the Portage County Gardeners' Annual Autumn Boutique on October 8<sup>th</sup> from 5:00 pm – 8:00 pm and on October 10<sup>th</sup> from 9:00 AM – 2:00 PM.
3. Notice of the Portage Learning Centers Reverse Raffle/Silent Auction Benefit Dinner on Saturday, October 17<sup>th</sup> at the Kent Elks Lodge at 6:00 PM.
4. Invitation from the Portage Park District for the naturalist-guided "wild hike" exclusively for Portage County employees and their families on Sunday, September 20, 2009, 2:00 PM.
5. Meeting notice for the Mental Health & Recovery Board meeting on Monday, September 14, 2009 at 6:30 PM, 155 E. Main St., Kent.

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**INCOMING CORRESPONDENCE**

**DISCUSSION**

September 10, 2009

1. Discussion: Storm Water Program – three resolutions required to proceed.

Present: Dave Armentrout, Chip Porter, Charlene Badger, Dick Messner Brimfield Township, James Bierlair Soil & Water, Edith Chase, Janet Esposito County Auditor, Dawn Pechman and Mike Sever.

Resolution establishing Portage County Storm Water District./09-834

Resolution fixing charges for the use of the Portage County Storm Water District, Fund 6800 (Storm Water Management), pursuant to Chapter 6117, Ohio Revised Code./09-835.

- A. Section 6: remove \$30.00/ERU/year and replace with the following
  - \$12.00/ERU/year to be charged commencing with the January 2010 billing
  - \$18.00/ERU/year to be charged commencing with the January 2011 billing
  - \$24.00/ERU/year to be charged commencing with the January 2012 billing
  - \$30.00/ERU/year to be charged commencing with the January 2013 billing

Resolution adopting rules for illicit discharge detection and elimination, construction, and post-construction storm water management./09-836

2. Office of Homeland Security and Emergency Management Agency Director Jon Barber presents the quote for the 7<sup>th</sup> Floor CCTV system./Journal Entry
3. September 8, 2009 e-mail from Director Harold Huff, Water Resources Department, in response to the Board's request for review and comment on the September 2, 2009 correspondence from Terry Krauss, 3830 Waterloo Rd./Add to Harold's agenda for Tuesday, September 15, 2009
4. September 4, 2009 e-mail from Rick Mladek, Ohio Lighthouse for the Blind and Vision Impaired, Inc., regarding the needs of the Ohio Lighthouse./Refer to Grant Administrator for follow up.

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**JOURNAL ENTRIES**

September 10, 2009

1. Board of Commissioners' authorization requested to allow use of the Portage Animal Protective League Parking Lot/Shelter on Saturday, September 12, 2009 from 10:00 AM-1:00 PM for a Hogs and Dogs Poker Run fundraising event as requested by Karen Carmany, Portage Animal Protective League.

2. The Board of Commissioners received the August 30, 2009 Notice to member counties of Northeast Ohio Joint Office of Economic Development advising that the renewal of the agreement for purchase of service with Northeast Ohio Trade & Economic Consortium will be automatically renewed for a one year period commencing January 1, 2010 and ending December 31, 2010. Does the Board of Commissioners agree to renew the agreement.
3. Board of Commissioners' authorization requested to pay Advanced Contracting \$432.20 for the 2008 Aurora CHIP/CDBG RLF Match as requested by Neighborhood Development Services. Documents reviewed by Department of Budget and Financial Management with no exceptions noted.
4. Board of Commissioners' authorization requested to pay Advanced Contracting \$3,889.80 for the 2008 Aurora CHIP/CDBG RLF Match as requested by Neighborhood Development Services. Documents reviewed by Department of Budget and Financial Management with no exceptions noted.
5. Board of Commissioners' authorization requested to have Commissioner Keiper sign the Portage County Housing Semi Annual RLF Program Income Report for the period of January 1, 2009-June 30, 2009 as presented by Neighborhood Development Services. Documents reviewed by Department of Budget and Financial Management with no exceptions noted.
6. Board of Commissioners' authorization requested to authorize payment to Neighborhood Development Services Inc. for \$ 500.00 for foreclosure counseling and for \$1,075.92 to Neighborhood Development Services for mortgage rescue loan for Single Male 2009-001 as requested by Neighborhood Development Services Inc. Documents reviewed by Department of Budget and Financial Management with no exceptions noted.
7. Board of Commissioners' authorization requested to authorize payment to Neighborhood Development Services Inc. for \$ 500.00 for foreclosure counseling and for \$3,000.00 to Neighborhood Development Services for mortgage rescue loan for Single Female 2009-002 as requested by Neighborhood Development Services Inc. Documents reviewed by Department of Budget and Financial Management with no exceptions noted.
8. Board of Commissioners' authorization requested to authorize payment to Neighborhood Development Services Inc. for \$ 500.00 for foreclosure counseling and for \$2,673.54 to USDA Rural Development c/o Neighborhood Development Services for mortgage rescue loan for Couple 2009-003 as requested by Neighborhood Development Services Inc. Documents reviewed by Department of Budget and Financial Management with no exceptions noted.
9. Board of Commissioners' signature requested on the purchase requisition for Neighborhood Development Services for implementation services for Streetsboro City Home/Building Repair program for \$5,000 as requested by the Regional Planning Commission. The B-F-08-062-1 Formula Grant Activity #02 Home/Building Repair is funding this expense. Documents reviewed by the Grants Administrator with no exceptions noted.
10. Board of Commissioners' signature requested on the payment authorization form for Family & Community Services for miscellaneous items for the Portage Senior Center located at 705 Oakwood Street, Ravenna for \$574.85 as requested by the Regional Planning Commission. The B-F-08-062-1 Formula Grant Activity

#06 Senior Center is funding this expense. Documents reviewed by the Grants Administrator with no exceptions noted.

11. Board of Commissioners' signature requested on the purchase requisition for GB Hawk Construction to install central air for homeowner Theodore Watters located at 759 Diane Avenue, Streetsboro for \$4,800.00 as requested by the Regional Planning Commission. The B-F-08-062-1 Formula Grant Activity #02 Home/Building Repair is funding this expense. Documents reviewed by the Grants Administrator with no exceptions noted.
12. Board of Commissioners' signature requested on the purchase requisition for Goff's Roofing for a roof replacement for homeowner Melissa Klinessmith located at 8385 Seasons Road, Streetsboro for \$5,000.00 as requested by the Regional Planning Commission. The B-F-08-062-1 Formula Grant Activity #02 Home/Building Repair is funding this expense. Documents reviewed by the Grants Administrator with no exceptions noted.
13. Board of Commissioners' signature requested on the purchase requisition for Goff's Roofing for a roof replacement for homeowners Bernard and Diane Latshaw located at 9429 Tower Drive, Streetsboro, OH for \$5,000 as requested by the Regional Planning Commission. The B-F-08-062-1 Formula Grant Activity #02 Home/Building Repair is funding this expense. Documents reviewed by the Grants Administrator with no exceptions noted.
14. Board of Commissioners' signature requested on the purchase requisition for Goff's Roofing for a roof replacement for homeowners John and Karen Munkres located at 1018 Frost Road, Streetsboro, for \$4,200.00 as requested by the Regional Planning Commission. The B-F-08-062-1 Formula Grant Activity #02 Home/Building Repair is funding this expense. Documents reviewed by the Grants Administrator with no exceptions noted.
15. Board of Commissioners' signature requested on the purchase requisition for Pioneer Builders to correct drainage problems for homeowner Robert Russo located at 1377 Cecil Drive, Streetsboro for \$3,035.00 as requested by the Regional Planning Commission. The B-F-08-062-1 Formula Grant Activity #02 Home/Building Repair is funding this expense. Documents reviewed by the Grants Administrator with no exceptions noted.

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**REFERRED**

September 10, 2009

1. September 1, 2009 notice from the Ohio Department of Development of the Economic Development Finance Professional Certification Program Training Interest Survey/Referred to the Grants Administrator.
2. September 4, 2009 e-mail from Pearlette Wigley, Community Development Coordinator, including a listing of federal grants and assistance programs. Referred to Grants Administrator.
3. September 3, 2009 memo from County Commissioners Association of Ohio, regarding the CCAO Service Corporation Energy Program – Electricity Savings. Referred to Internal Services.

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**INFORMATION ONLY**

September 10, 2009

1. September 3, 2009 Traffic Advisory as presented by Ohio Department of Transportation.

2. August 31, 2009 correspondence from Mark Troutman, Isaac, Brant, Ledman & Teetor LLP, including September 2009 Edition of Public Records Press.
3. September 4, 2009 notice from NOPEC regarding customer billing and reminding customers of the call center numbers.
4. September 4, 2009 notice from the Ohio Department of Transportation of the Portage County Weekly Traffic Advisory.
5. September 3, 2009 email from the County Auditor regarding the ***Substantiate Necessity for Travel Form.***
6. September 8, 2009 e-mail from Commissioner Keiper to Steve Berecek, regarding Storm Water Utility.
7. August 24, 2009 memo from County Commissioners Association of Ohio, including meeting minutes from the June 26, 2009 meeting.
8. September 1, 2009 correspondence from Cathy Beckett, Q4 Energy Solutions, regarding energy efficiency improvement and conservation.
9. September 8, 2009 e-mail from Audrey Tillis, Department of Budget and Financial Management to Dave Vaughan, Neighborhood Development Services, regarding SOP Update for Mortgage Loans.
10. September 4, 2009 e-mail from Anita Herington, Job and Family Services regarding the draft PRC plan.

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**PROSECUTOR**

September 10, 2009

1. September 2, 2009 correspondence from Prosecutor Victor Vigluicci regarding budget decreases for 2009.
2. September 4, 2009 correspondence from Prosecutor Victor Vigluicci regarding disciplinary proceedings of Judge Plough.
3. September 8, 2009 e-mail from Denise Smith to JoAnn Townend, Internal Services, including a settlement agreement with Tony Nagella.

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**Journal Entry**

September 10, 2009

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

1. The Board of Commissioners authorized use of the Portage Animal Protective League Parking Lot/Shelter on Saturday, September 12, 2009 from 10:00 AM-1:00 PM for a Hogs and Dogs Poker Run fundraising event as requested by Karen Carmany, Portage Animal Protective League.
2. The Board of Commissioners acknowledged receipt of the August 30, 2009 Notice to member counties of Northeast Ohio Joint Office of Economic Development advising that the renewal of the agreement for purchase of service with Northeast Ohio Trade & Economic Consortium will be automatically renewed for a one year period commencing January 1, 2010 and ending December 31, 2010. The Board of Commissioners agreed to renew the agreement.

3. The Board of Commissioners authorized payment to Advanced Contracting for \$432.20 for the 2008 Aurora CHIP/CDBG RLF Match as requested by Neighborhood Development Services. Documents reviewed by Department of Budget and Financial Management with no exceptions noted.
4. The Board of Commissioners authorized payment to Advanced Contracting for \$3,889.80 for the 2008 Aurora CHIP/CDBG RLF Match as requested by Neighborhood Development Services. Documents reviewed by Department of Budget and Financial Management with no exceptions noted.
5. The Board of Commissioners authorized Commissioner Keiper to sign the Portage County Housing Semi Annual RLF Program Income Report for the period of January 1, 2009-June 30, 2009 as presented by Neighborhood Development Services. Documents reviewed by Department of Budget and Financial Management with no exceptions noted.
6. The Board of Commissioners authorized payment to Neighborhood Development Services Inc. for \$ 500.00 for foreclosure counseling and for \$1,075.92 to Neighborhood Development Services for mortgage rescue loan for Single Male 2009-001 as requested by Neighborhood Development Services Inc. Documents reviewed by Department of Budget and Financial Management with no exceptions noted.
7. The Board of Commissioners authorized payment to Neighborhood Development Services Inc. for \$ 500.00 for foreclosure counseling and for \$3,000.00 to Neighborhood Development Services for mortgage rescue loan for Single Female 2009-002 as requested by Neighborhood Development Services Inc. Documents reviewed by Department of Budget and Financial Management with no exceptions noted.
8. The Board of Commissioners authorized payment to Neighborhood Development Services Inc. for \$ 500.00 for foreclosure counseling and for \$2,673.54 to USDA Rural Development c/o Neighborhood Development Services for mortgage rescue loan for Couple 2009-003 as requested by Neighborhood Development Services Inc. Documents reviewed by Department of Budget and Financial Management with no exceptions noted.
9. The Board of Commissioners signed the purchase requisition for Neighborhood Development Services for implementation services for Streetsboro City Home/Building Repair program for \$5,000 as requested by the Regional Planning Commission. The B-F-08-062-1 Formula Grant Activity #02 Home/Building Repair is funding this expense. Documents reviewed by the Grants Administrator with no exceptions noted.
10. The Board of Commissioners signed the payment authorization form for Family & Community Services for miscellaneous items for the Portage Senior Center located at 705 Oakwood Street, Ravenna for \$574.85 as requested by the Regional Planning Commission. The B-F-08-062-1 Formula Grant Activity #06 Senior Center is funding this expense. Documents reviewed by the Grants Administrator with no exceptions noted.
11. The Board of Commissioners signed the purchase requisition for GB Hawk Construction to install central air for homeowner Theodore Watters located at 759 Diane Avenue, Streetsboro for \$4,800.00 as requested by the Regional Planning Commission. The B-F-08-062-1 Formula Grant Activity #02 Home/Building Repair is funding this expense. Documents reviewed by the Grants Administrator with no exceptions noted.

12. The Board of Commissioners signed the purchase requisition for Goff's Roofing for a roof replacement for homeowner Melissa Klinessmith located at 8385 Seasons Road, Streetsboro for \$5,000.00 as requested by the Regional Planning Commission. The B-F-08-062-1 Formula Grant Activity #02 Home/Building Repair is funding this expense. Documents reviewed by the Grants Administrator with no exceptions noted.
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15. The Board of Commissioners signed the purchase requisition for Pioneer Builders to correct drainage problems for homeowner Robert Russo located at 1377 Cecil Drive, Streetsboro for \$3,035.00 as requested by the Regional Planning Commission. The B-F-08-062-1 Formula Grant Activity #02 Home/Building Repair is funding this expense. Documents reviewed by the Grants Administrator with no exceptions noted.
16. The Board of Commissioners authorized the purchase of a CCTV system from Integrated Precision Systems, Inc. for \$ 1,555.83 as presented by Director Jon Barber, Office of Homeland Security and Emergency Management Agency (Proposal No. 03590, dated September 3, 2009).
17. The Board of Commissioners authorized the Maintenance Department to get quotes for repair of the outside stair and railing on the south side of the Kent Muni Court in order to come into compliance with the City of Kent's Building Department regulations

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 **September 10, 2009**. There being no further business to come before the Board, it was moved by Christopher Smeiles, seconded by Maureen T. Frederick to adjourn the official meeting at 12:00 PM. All in favor, motion carries.

Charles W. Keiper II, President

Maureen T. Frederick, Vice President

Christopher Smeiles, Board Member

Amy Hutchinson, Acting Clerk

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