

Tuesday, October 27, 2009

The Board of County Commissioners met in regular session on **Tuesday, October 27, 2009 at 9:20 AM** with the following members present:

Charles W. Keiper II

Maureen T. Frederick

Christopher Smeiles

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It was moved by Maureen T. Frederick, seconded by Christopher Smeiles to approve the meeting minutes of the October 22, 2009 meeting. All in favor, motion carries

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

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Commissioner Smeiles advised the Board of Commissioners that he attended the Friday, October 23rd Portage Learning Centers Community Open House & Ribbon Cutting, represented the Board of Commissioners.

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THE WOODLANDS AT ROBINSON

Present: Nursing Home Administrator Gary Mitrisin, Department of Budget & Financial Management Director Audrey Tillis, Human Resources Department Director Karen U'Halie

The Board of Commissioners advised Mr. Mitrisin that the Board has agreed to use the Prosecutor's Office for all personnel issues except bargaining unit issues. Grievances, discipline, termination etc. will be handled by the Prosecutor. The Board will carbon Mr. Mitrisin on the recap letter to Prosecutor Viglucci.

Mr. Mitrisin advised the Board of Commissioners that the County Engineer has presented a quote for a temporary repair of the sink holes of \$1,019.85, which is being processed. He spoke with Attorney Denise Smith yesterday and she questioned whether or not the parking lot fix should be made by the original contractor. Mr. Mitrisin agreed to check with JoAnn Townend on that issue/Journal Entry.

Mr. Mitrisin also discussed with Attorney Smith the collection of past due accounts for residents. Attorney Smith gave the Administrator direction and the Administrator agreed to get the totals together and work with Attorney Smith to contract with Capital Recovery (if under \$25,000) on a contingency basis.

Mr. Mitrisin advised that the contractor came to fix the shower pitch and now the shower is leaking. Attorney Smith advised staff to take pictures and get statements; Attorney Smith will contact the contractor.

Mr. Mitrisin advised that the census is at 75 today; staff is working to improve that number.

Mr. Mitrisin noted that Summa finishes their resident interviews tomorrow and will let the Woodlands know how they will proceed. A contract with Summa would provide an additional five residents at the facility per day. A contract may be in place in the first quarter of 2010; Summa has targeted Portage County for the new Summa program and it is in their interest to promote The Woodlands.

Commissioner Frederick asked if there is an internal plan in place for residents who are so far behind in payment? What is the policy? Mr. Mitrisin responded that there is no arrears policy in place. He added that this situation is not as bad as in other homes he has worked at. Commissioner Smeiles agreed that the Portage County collections are pretty good compared to other homes.

As cost savings measures, Mr. Mitrisin noted that staff has had the phone system wired into the generator alleviating the need for a cell phone, there has been a cut back in the dietitian's hours, The Veterans Administration and Coleman will be asked to contribute for snow plowing services as they have not been asked in the past, the medical waste contract of \$450/month may be reduced to \$60/month with the use of a simpler contract, staffing and nursing numbers are dictated by the state.

Commissioner Frederick asked how the Board intends to begin the discussion of the projected shortfall?

Department of Budget & Finance Director Audrey Tillis stated that she met with The Woodlands finance person yesterday. The census is down and a census of 83 breaks even. The average census number is 75. The projected revenue is less than the current certification, with a shortfall of \$181,000 for 2009. Commissioner Keiper noted that the Board of Commissioners needs a full understanding of cost saving measures undertaken already and a needs plan within next week to 10 days as to what else can be done to reduce expenses. He added that this is big and shocking gap this late in this challenging year. Director Tillis added that she has asked The Woodlands to catch up the cost allocation/indirect costs plan ASAP, since that non-payment places the General Fund in jeopardy.

Commissioner Frederick asked what the strategy is to make the outstanding payments? Director Tillis responded that The Woodlands need to trim down \$151,000 ASAP to make it through the end of the year

Commissioner Smeiles asked if some of the overdue bills to Premier Therapy and Omnicare for pharmacy are monies applied for by the nursing home and, once it comes in, payment will be made? Mr. Mitrisin responded that a Medicare Part A stay means that the nursing home pays for medications and therapy costs. He added that there is no signed contract for pharmacy care and agreed to talk to Attorney Denise Smith.

Commissioner Frederick asked when the Board of Commissioners can expect to see the plan? Commissioner Keiper responded that the nursing home comes to meet with the Board of Commissioners on November 3rd. Hopefully, staff can have a recommendation at that meeting. Commissioner Frederick asked if the facility is at risk of not meeting payroll? Director Tillis responded yes adding that the contract services line is really big; perhaps the facility can negotiate to get out of contracts early.

Commissioner Frederick stated that the Board does not have General Fund money to assist The Woodlands.

Commissioner Keiper did note that a reporter from KSU Channel 2 would like to do a follow-up story at the nursing home – Mr. Mitrisin agreed to work with the student.

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PROSECUTOR

Present: Denise Smith

Review of Prosecutor's Pending List

1. Attorney Scahill provided an October 26th response to the Board of Commissioners' questions regarding fixed assets noting that the questions seem to be "who owns various assets purchased with general fund and/or non-general fund money" and "the responsibilities for various policies related to those assets". The Board of Commissioners agreed to clarify their questions via email to Attorney Scahill.

Prosecutor's Correspondence

1. October 16, 2009 correspondence from Denise Smith, regarding review of the Neighborhood Development Services Invoice for \$28,238.49/The Board of Commissioners noted that on October 21, 2009, the Portage County Auditor approved payment of this invoice
2. October 23, 2009 e-mail from Audrey Tillis, Department of Budget and Financial Management to Denise Smith, regarding Kent State TB patient/Attorney Smith advised the Board that the child affected has a particularly resistant strain of TB and that Akron Children's Hospital will pay any in-hospital costs associated with the care of this patient. Portage County is responsible for payment of any home care and medicines. The total cost of care could be around \$30,000.
3. Draft Resolution: October 21, 2009 correspondence from Leigh Prugh, regarding the maintenance bond for Brimfield Plaza/Hold for additional information.

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Attorney Smith advised the Board of Commissioners that the Nursing Home Administrator discussed with her the need to repair the sink holes in The Woodlands parking lot at a cost of \$36,000. Should the Board of Commissioners want to contact the original contractor, JoAnn Townend should be consulted. The Board of Commissioners advised Attorney Smith that they gave the nursing home approval today to hire the County Engineer to temporarily make the repairs.

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10:25 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Maureen T. Frederick**, seconded by **Charles W. Keiper II** that the Board of Commissioners move into executive session to conference with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. **Also present: Attorney Denise Smith.** Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

10:40 AM Upon conclusion of the above referenced discussion, it was moved by **Maureen T. Frederick**, seconded by **Charles W. Keiper II** that the Board of Commissioners move out of executive session. Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

After exiting Executive Session, the Board of Commissioners adopted Resolution No. 09-1009

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ECONOMIC DEVELOPMENT

Present: Bill Ulik

Mr. Ulik met with representatives from the Kent State University Managerial Marketing Program to discuss Portage County marketing initiatives. Mr. Ulik recommended preparing marketing material for Portage County using the Kent State University Managerial Marketing Program Business School for a Marketing Plan for expansion over the coming years and possibly a new logo for the Portage Development Board. Graduate students in the MBA program can be hired to perform a market segmentation study. Both initiatives would cost under \$10,000 to develop this plan and perform the study. This program provides real world experience for students. Funds are available in the 2009 budget and the Director would like permission to encumber the funding. Commissioner Frederick asked what role the Director will have; the Director responded that he will provide basic information and guidance for students; the market segmentation study would involve the PCDED office in weekly or monthly discussions.

The Director stated that \$10,000 would cover the consulting work but not the production of the materials – just the design. Commissioner Frederick would like to see samples of work product that would answer any question about the quality of work; she asked the Director if he has talked to any other private firms for pricing. The Director responded no but he believes that it may cost as much as four times as much as this program. Commissioner Keiper stated that the county has never, ever spent any money on a marketing effort. Commissioner Smeiles agreed that the county has not had written marketing materials in the past/Journal Entry

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Resolution

Amend and replace 09-0846, which allocated \$6,347,000 of Recovery Zone Economic Development Bonds to the Northeast Ohio Universities College of Medicine and Pharmacy for the construction of the Biomedical Research Facility. The Board of Commissioners noted that NEOUCOM will issue its own bonds since it is a public agency. The NEOUCOM project will bring 960 construction jobs and 49 Professorial/Research jobs to Portage County/09-1007.

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The Director has not yet gathered the potential names and contact information for each of the designated and elected directors for the Portage Development Board. The Board of Commissioners noted that they will call each potential member to ask them to serve before sending the letters to them.

Mr. Ulik should also draft a letter to prospective Board Members that the Board of Commissioners will sign and send.

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WATER RESOURCES - CANCELLED

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DEPARTMENT OF BUDGET & FINANCIAL MANAGEMENT

Present: Audrey Tillis

RESOLUTIONS

1. General Fund Amendments to the Annual Appropriation Resolution:/09-1008
 - a. Commissioners, Supplemental – Clerk of Courts Shelving
 - b. Microfilm, Transfer – Projected Need
 - c. Clerk of Courts, Supplemental – Shelving System
 - d. Common Pleas Court, Transfer – For LWOP and Professional Services
 - e. Sheriff’s Department, Transfer – Projected Need

2. Other Funds Amendments to the Annual Appropriation Resolution:/09-1006
 - a. Fund 1001, Certification of Title Administration – Supplemental, For Projected Need
 - b. Fund 1002, Enterprise Zone Program – Supplemental & Transfer, Less Fees Collected than Estimated, and to Cover Shortage in Workers Comp
 - c. Fund 1014, Common Pleas Tech Special Project – Supplemental, Court Room Project
 - d. Fund 1149, Felony Delinquent Care & Custody – Supplemental, To Meet ’09 Billings for Child
 - e. Fund 1166, EMPG Homeland Security Grant – Supplemental, To Supplement Budget for End of Year
 - f. Fund 1170, Emergency Response LEPC/CERP – Supplemental, To Balance Project Codes

- g. Fund 1330, Dog and Kennel – Transfer, To Finalize Grant & For Projected Need
- h. Fund 1340, PCBDD General Administration – Transfer, For Projected Need
- i. Fund 1410, Job and Family Services – Transfer, Projected Need
- j. Fund 1412, JFS Help Me Grow Allocation – Transfer, Projected need
- k. Fund 1470, Area Agency on Aging – Supplemental, Adjust to Actual
- l. Fund 1480, Violence Against Women – Supplemental, To Cover Deficit
- m. Fund 4010, Prosecutor’s Building – Supplemental, Project Expense
- n. Fund 5100, Nursing Home General Administration – Transfer, Projected Need
- o. Fund 5200, PCS General Administration – Transfer, To Move Budget to Where Needed
- p. Fund 5400, PCW General Administration – Transfer, To Move Budget to Where Needed
- q. Fund 5507, PCW Cleveland to Aurora – Supplemental, To Adjust to Actual and For Anticipated Expenses
- r. Fund 5600, StS General Administration – Transfer, To Move Budget to Where Needed
- s. Fund 6200, Electronic Fingerprinting – Supplemental, For Projected Need
- t. Fund 7101, Health Benefits Program – Transfer, For Projected Need
- u. Fund 7102, Cafeteria Benefits Program Pkg – Supplemental, For Projected Need

OTHER

- 3. Journal entry approval(s):
 - a. Processing GF Donation to JDC for vehicle settlement
 - b. Processing Expenditure Reimbursement – Johnson & Miller & Schmitz, LLP Legal Services

- 4. Discussion Memos:
 - a. The Director discussed her recommended procedural review of the Neighborhood Development Services, Inc. Monthly RLF Reports/the Board of Commissioners agreed that they would see her review monthly, which will note any exceptions and/or discussions with the Neighborhood Development Services, Inc. staff. The Director will also ask Neighborhood Development Services, Inc. to include activity on ledgers for current year active accounts only.
 - b. The Director has received a copy of the October 20, 2009 memo from Regional Planning Commission Director Todd Peetz regarding the December 1, 2009 Rural Development Payment
 - c. The Director noted that the Prosecutor’s Office is aware of upcoming costs associated with home care and medication for a juvenile TB Patient. Akron Children’s Hospital will pay in-hospital costs. County payment will cross over into 2010.

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The Board accepted the recommendation of Director Tillis and agreed to hold the payment of the NACo invoice until January 2010.

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Commissioner Smeiles advised the Board that, as authorized, he made an offer to the Freedom Street/State Route 88 property owner for a monthly lease for the housing of Homeland Security and Emergency Management Office vehicles. Director Barber has advised the Board of Commissioners that his SHSP Grant can pay the cost of this lease.

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11:20 AM Lunch Recess
1:20 PM Board of Commissioners reconvened

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DBFM WORK SESSION

Present: Audrey Tillis, Karen U'Halie

The Board of Commissioners discussed the FY 2010 Department Input Summary and balancing options.

1:40 PM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Maureen T. Frederick**, seconded by **Charles W. Keiper II** that the Board of Commissioners move into executive session to consider compensation issues. **Also present:** Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

2:23 PM Upon conclusion of the above referenced discussion, it was moved by **Maureen T. Frederick**, seconded by **Charles W. Keiper II** that the Board of Commissioners move out of executive session. Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

After exiting Executive Session, the Board of Commissioners approved a Journal Entry.

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RESOLUTION No. 09-1002 - RE: BILLS APPROVED AND CERTIFIED TO THE PORTAGE COUNTY AUDITOR FOR PAYMENT.

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

RESOLVED, that the bills were approved and certified to the County Auditor for payment, contingent upon the review of the Portage County Internal Auditor or other designee on October 27, 2009 in the total payment amount of **\$412,209.34 for Funds 0001-8354** as set forth in the Accounts Payable Warrant Report on file in the office of the Portage County Auditor; and be it further

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

Roll call vote as follows:

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

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RESOLUTION No. 09-1003 - RE: APPROVAL OF JOURNAL VOUCHERS/ENTRIES.

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

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

RESOLUTION No. 09-1006

RE: AMENDMENT TO THE NON GENERAL FUND 2009 ANNUAL
APPROPRIATION RESOLUTION NO. 08-1182 ADOPTED
DECEMBER 11, 2008.

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

RESOLVED, that it has become necessary to amend the Non General Fund 2009 Annual Appropriation in the amounts and for the purposes set forth in the enumeration shown below,

		<i>Increase</i>	<i>Decrease</i>
Fund: 1001	Certificate Of Title Administr		
	500 Clerk of Courts		
10017	Certificate Of Title Admini OE	1,976	0
	MEMO TOTAL	\$ 1,976	\$ -

Note: For Projected Need

Fund: 1002	Enterprise Zone Program		
	080 Economic Development		
10023	Enterprise Zone Fringes	6	6
10024	Enterprise Zone Program CS	0	237
10025	Enterprise Zone Program MS	0	763
	MEMO TOTAL	\$ 6	\$ 1,006

Note: Less fees collected then est. Cover shortage in Workers Comp

Fund: 1014	Common Pleas Tech Spec Proj		
	530 Common Pleas Court		
10144	Common Pleas Tech Spec Proj CS	600	0
10145	Common Pleas Tech Spec Proj MS	4,400	0
10146	Common Pleas Tech Spec Proj CO	29,000	0
	MEMO TOTAL	\$ 34,000	\$ -

Note: Court Room Project

		<i>Increase</i>	<i>Decrease</i>
Fund: 1149	Felony Delinque Care & Custody		
	570 Juvenile Court		
11494	Juv Feny Delnq Care CS	13,000	0
	MEMO TOTAL	\$ 13,000	\$ -

Note: TO MEET '09 BILLINGS FOR CHILD

Fund: 1166	EMPG Homeland Security Grant		
	930 Emergency Management Agency		
11664	EMPG Homeland Security CS	7,055	0
	MEMO TOTAL	\$ 7,055	\$ -

Note: Supplement budget for end of year

Fund: 1170	Emergency Response LEPC/CERP		
	931 Local Emergency Planning Commi		
11703	LEPC / CERP Fringes	48	0
11704	LEPC / CERP CS	2,878	0
11705	LEPC / CERP MS	290	0
	MEMO TOTAL	\$ 3,216	\$ -

Note: To Balance Project Codes

Fund: 1330	Dog And Kennel		
	045 Dog And Kennel		
13304	Dog Kennel - Warden CS	1,421	0
13305	Dog Kennel - Warden MS	1,879	21
13306	Dog Kennel - Warden CO	0	3,279
	MEMO TOTAL	\$ 3,300	\$ 3,300

Note: To Finalize Grant & Projected Need

Fund: 1340	PCBDD General Administration		
	905 Mental Ret & Dev Disability Bd		
13403	MRDD General Admin Fringes	0	95,000
13406	MRDD General Admin CO	95,000	0
	MEMO TOTAL	\$ 95,000	\$ 95,000

Note: Projected Need

		<i>Increase</i>	<i>Decrease</i>
Fund: 1410	Job And Family Services		
	051 Job And Family Services		
14103	Job & Family Services Fringes	0	12,500
14104	Job & Family Services CS	25,000	0
14105	Job & Family Services MS	0	2,350
14106	Job & Family Services CO	0	5,150
1410M	Job & Family Service Overtime	0	5,000
	MEMO TOTAL	\$ 25,000	\$ 25,000

Note: Projected need

Fund: 1412	JFS Help Me Grow Allocation		
	051 Job And Family Services		
1412D	JFS Help Me Grow Full Time	700	0
1412E	JFS Help Me Grow Part Time	0	700
	MEMO TOTAL	\$ 700	\$ 700

Note: Projected need

Fund: 1470	Area Agency On Aging		
	055 Senior Center		
14707	Area Agency On Aging OE	141	0
	MEMO TOTAL	\$ 141	\$ -

Note: ADJUST TO ACTUAL

Fund: 1480	Violence Against Women		
	300 Prosecutor		
14803	Violence Against Women Fringes	2,000	0
	MEMO TOTAL	\$ 2,000	\$ -

Note: Cover Deficit

Fund: 4010	Prosecutor's Building		
	012 Central Purchasing Services		
40104	Prosecutor's Building CS	180	0
	MEMO TOTAL	\$ 180	\$ -

Note: PROJECT EXPENSE

		<i>Increase</i>	<i>Decrease</i>
Fund: 5100	Nursing Home General Administr		
	054 Nursing Home		
51003	Nursing Home Gen Fringes	29,718	43,859
51004	Nursing Home General CS	102,841	0
51005	Nursing Home General MS	0	23,900
51006	Nursing Home General CO	0	10,800
5100D	Nursing Home Gen Full Time	0	78,000
5100E	Nursing Home Gen Part Time	16,000	0
5100M	Nursing Home Gen Overtime	8,000	0
	MEMO TOTAL	\$ 156,559	\$ 156,559

Note: Projected Need

Fund: 5200	PCS General Administration		
	060 Water Resources		
52003	Portage County Sewer Fringes	18,750	0
52004	Portage County Sewer CS	57,416	0
52005	Portage County Sewer MS	31,006	0
52006	Portage County Sewer CO	1,000	0
52009	Portage County Sewer ME	0	132,172
5200D	Portage County Sewer Salaries	24,000	0
	MEMO TOTAL	\$ 132,172	\$ 132,172

Note: TO MOVE BUDGET TO WHERE NEEDED

Fund: 5400	PCW General Administration		
	060 Water Resources		
54003	Portage County Water Fringes	7,635	0
54004	Portage County Water CS	39	0
54005	Portage County Water MS	49,318	0
54009	Portage County Water ME	0	102,192
5400D	Portage County Water Full Time	40,200	0
5400E	Portage County Water Part Time	5,000	0
	MEMO TOTAL	\$ 102,192	\$ 102,192

Note: TO MOVE BUDGET TO WHERE NEEDED

		<i>Increase</i>	<i>Decrease</i>
Fund: 5507	PCW Cleveland to Aurora		
	060 Water Resources		
55074	PCW Cleveland to Aurora CS	0	100
55076	PCW Cleveland to Aurora CO	13,779	0
	MEMO TOTAL	\$ 13,779	\$ 100

Note: ADJUST TO ACTUAL ANTICIPATED EXPENSES

Fund: 5600	StS General Administration		
	060 Water Resources		
56003	Streetsboro Sewer Fringes	31,435	0
56004	Streetsboro Sewer CS	76,001	0
56005	Streetsboro Sewer MS	19,228	0
56006	Streetsboro Sewer CO	10,000	0
56009	Streetsboro Sewer ME	0	230,414
5600D	Streetsboro Sewer Full Time	93,750	0
	MEMO TOTAL	\$ 230,414	\$ 230,414

Note: TO MOVE BUDGET TO WHERE NEEDED

Fund: 6200	Electronic Fingerprinting		
	700 Sheriff's Department		
62004	Electronic Fingerprinting CS	6,737	0
	MEMO TOTAL	\$ 6,737	\$ -

Note: Projected Need

Fund: 7101	Health Benefits Program		
	018 Human Resources		
71014	HR Health Benefits CS	0	1,750
71015	HR Health Benefits MS	1,750	0
71017	HR Health Benefits OE	100	100
	MEMO TOTAL	\$ 1,850	\$ 1,850

Note: Projected Need

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		<i>Increase</i>	<i>Decrease</i>
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Fund: 7102	Cafeteria Benefits Program Pkg		
	018 Human Resources		
71024	Cafeteria Benefits Program CS	60,100	0
71027	Cafeteria Benefits Program OE	100	0
	MEMO TOTAL	<hr/> \$ 60,200 <hr/>	<hr/> \$ - <hr/>

Note: Projected Need

TOTAL MEMO BALANCE FOR ALL FUNDS	<hr/> \$ 889,477 <hr/>	<hr/> \$ 748,293 <hr/>
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and be it further,

RESOLVED, that the notes stated in the resolution are for informational purposes only and are not intended to restrict the expenditure of those appropriated funds to any single purpose. Such funds are for the use of all expenditures that are lawful under the approved appropriation.

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

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

Roll call as Follows:

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

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RESOLUTION No. 09-1007 **RE: ADOPT RESOLUTION TO SUPERSEDE RESOLUTION NO. 09-0846 THAT DESIGNATED PORTAGE COUNTY, OHIO AS A RECOVERY ZONE UNDER SECTION 1400U-1 OF THE INTERNAL REVENUE CODE FOR THE PURPOSE OF ISSUING RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS OR RECOVERY ZONE FACILITY BONDS, AND DESIGNATING THE PORTAGE COUNTY PORT AUTHORITY AS AGENT OF THE COUNTY FOR ISSUING SAID BONDS, FOR THE PORTAGE COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT, TO INCLUDE ALLOCATING A PORTION OF PORTAGE COUNTY'S RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS VOLUME CAP LIMITATION TO FINANCE A PORTION OF THE COSTS OF CONSTRUCTING A NEW BIOMEDICAL RESEARCH FACILITY FOR THE NORTHEASTERN OHIO UNIVERSITIES COLLEGES OF MEDICINE AND PHARMACY (NEUCOM).**

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

WHEREAS, the Portage County Board of Commissioners adopted Resolution No. 09-0846 on September 15, 2009; and

WHEREAS, the Portage County Board of Commissioners wishes to amend Resolution No. 09-0846 to include allocating a portion of the Portage County's Recovery Zone Economic Development Bonds Volume Cap Limitation to finance a portion of the costs of constructing a new Biomedical Research Facility for the Northeastern Ohio Universities Colleges of Medicine and Pharmacy (NEOUCOM), now therefore be it

RESOLVED, that this resolution supersedes Resolution No. 09-0846 and shall read in its entirety as follows:

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RE: A RESOLUTION DESIGNATING PORTAGE COUNTY, OHIO AS A RECOVERY ZONE UNDER SECTION 1400U-1 OF THE INTERNAL REVENUE CODE FOR THE PURPOSE OF ISSUING RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS OR RECOVERY ZONE FACILITY BONDS AND DESIGNATING THE PORTAGE COUNTY PORT AUTHORITY AS AGENT OF THE COUNTY FOR ISSUING SAID BONDS, AND ALLOCATING A PORTION OF PORTAGE COUNTY'S RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS VOLUME CAP LIMITATION TO FINANCE A PORTION OF THE COSTS OF CONSTRUCTING A NEW BIOMEDICAL RESEARCH FACILITY FOR THE NORTHEASTERN OHIO UNIVERSITIES COLLEGES OF MEDICINE AND PHARMACY (NEOUCOM), FOR THE PORTAGE COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT.

WHEREAS, the American Recovery and Reinvestment Act of 2009 revised the Internal Revenue Code to create Recovery Zone Bonds which must be issued for projects in a Recovery Zone; and

WHEREAS, the issuance of Recovery Zone bonds instead of traditional tax-exempt bonds can potentially promote job creation and economic recovery in areas particularly affected by employment decline, significant poverty, increased home foreclosures, or general economic distress; and

WHEREAS, under Code Section 1400U-1(a)(3)(A), the State of Ohio has allocated \$15,868,000 of its Recovery Zone Bond volume cap limitation to Portage County, with \$6,347,000 of that allocation being allocated for the issuance of Recovery Economic Development Bonds and \$9,521,000 being allocated for the issuance of Recovery Zone Facility Bonds; and

WHEREAS, before the County issues any Recovery Zone Bonds, this Board of Commissioners must designate the area in which a capital project is financed by Recovery Zone Bonds as a Recovery Zone; and

WHEREAS, Portage County, as a whole, is currently economically distressed as a result of the recent economic conditions and (i) the unemployment rate has risen from 6.5% in July 2008 to 10.8% in July 2009, (ii) home foreclosures (Sheriff Sales) have increased 15% for the first half of 2009, and have more than tripled in the last decade, and (iii) sales tax revenue has decreased 3.58% for the first eight months of 2009 compared to the first eight months of 2008, thereby demonstrating a deterioration in the retail sales market; and

WHEREAS, this Board of Commissioners desires to designate the Portage County Port Authority as the issuer of all Recovery Zone Bonds for projects located within the County of Portage; and

WHEREAS, this Board of Commissioners desires to allocate a portion of its RZ Economic Development Volume Cap to its commitment to fund a portion of the construction of the new NEOUCOM's Biomedical Research facility, now therefore be it

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

SECTION 1

This Board of Commissioners finds and determines the following matters (unless otherwise defined herein, capitalized terms are defined in Section 5):

- (a) The ARRA revised the Code to create Recovery Zone Bonds, which must be issued for projects in a Recovery Zone.
- (b) The issuance of Recovery Zone Bonds instead of traditional tax-exempt bonds can potentially provide cost savings to the County to promote job creation and economic recovery in areas particularly affected by employment decline, significant poverty, increased home foreclosures, or general economic stress.
- (c) Before issuing Recovery Zone Bonds, this Board of Commissioners must designate the area in which a capital project is financed by Recovery Zone Bonds as a Recovery Zone.
- (d) This Board of Commissioners finds that the following economic indicators of economic distress are present in Portage County:
 - (1) The current unemployment rate has risen from 6.5% in July 2008 to 10.8% in July 2009.
 - (2) Home foreclosures (Sheriff Sales) have increased 15% for the first half of 2009, and have more than tripled in the last decade.
 - (3) Sales tax revenue has decreased 3.58% for the first eight months of 2009 compared to the first eight months of 2008, thereby demonstrating a deterioration in the retail sales market.
- (e) Under Code Section 1400U-1(a)(3)(A), \$15,868,000 of the State of Ohio's Recovery Zone Bond volume cap limitation has been allocated to Portage County, with \$6,347,000 of that allocation being allocated for the issuance of Recovery Zone Economic Development Bonds and \$9,521,000 being allocated for the issuance of Recovery Zone Facility Bonds, to finance certain projects within Portage County.
- (f) This Board of Commissioners finds that the Portage County Port Authority is an eligible issuer of Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds for projects located within Portage County.
- (g) This Board of Commissioners has now determined to allocate a portion of its RZ Economic Development Volume Cap to NEOUCOM, as the ultimate beneficiary, to use

the proceeds of an issue of Recovery Zone Economic Development Bonds for “qualified economic development purposes” under Code Section 1400U-2.

SECTION 2

After consideration of the economic indicators in Portage County, including the unemployment rate, rate of home foreclosures, loss of retail sales county-wide and declining tax revenues as described above, this Board of Commissioners determines that Portage County as a whole has experienced economic distress and hereby designates the entire geographical territory of Portage County as a Recovery Zone under Code Section 1400U-1.

SECTION 3

This Board of Commissioners hereby designates the Portage County Port Authority as its agent to issue Recovery Zone Bonds in Portage County. Such Recovery Zone Bonds may be issued by the Portage County Port Authority pursuant to a resolution of this Board of Commissioners authorizing the issuance of the Recovery Zone Bonds.

SECTION 4

This Board of Commissioners hereby authorizes and directs the allocation of a portion of its RZ Economic Development Volume Cap to NEOUCOM for the issuance of the NEOUCOM Bonds to finance a portion of the construction of the new Biomedical Research facility. This Board of Commissioners designates the Portage County Port Authority as its agent to issue the NEOUCOM Bonds. This Board of Commissioners authorizes the President of the Board of Commissioners to specify the amount of that allocation to be used for the NEOUCOM Project. This allocation is contingent on bond counsel delivering an opinion that the issuance and use of proceeds of the NEOUCOM Bonds are in compliance with the requirements of the Code, including Code Section 1400U-2. **This allocation will terminate on June 30, 2010 unless the NEOUCOM Bonds are issued on or before June 30, 2010.**

SECTION 5

This Board of Commissioners authorizes and directs the President of the Board of Commissioners to sign, deliver, or file any documents, agreements, or certificates in connection with the designation of the Recovery Zone and the designation of the Portage County Port Authority as issuer of the Recovery Zone Bonds, as may be required by ARRA, the Code, the Treasury Regulations promulgated under the Code, and any other applicable statute or regulation, as the President of the Board of Commissioners deems necessary and appropriate.

SECTION 6

Words and terms are used in this resolution with the following meanings:

“ARRA” means the American Recovery and Reinvestment Act of 2009.

“NEOUCOM” means Northeastern Ohio Universities Colleges of Medicine and Pharmacy

“NEOUCOM Bonds” means Recovery Zone Economic Development Bonds issued by the Portage County Port Authority for the benefit of NEOUCOM to finance the NEOUCOM Project.

“NEOUCOM Project” means the NEOUCOM expansion project of their new Biomedical Research facility which meets the criteria of a “qualified economic development project: under Code Section 1400U-2 and is located in Portage County.

“Code” means the Internal Revenue Code of 1986, as amended.

“Recovery Zone Economic Development Bonds” means Recovery Zone Economic Development Bonds, authorized under Code Section 1400U-2.

“Recovery Zone Facility Bonds” means Recovery Zone Facility Bonds, authorized under Code Section 1400U-3.

“Recovery Zone” means the area designated by this Board of Commissioners in Section 2 as a recovery zone, under Code Section 1400U-1.

“Recovery Zone Bonds” means the Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds.

“RZ Economic Development Volume Cap” means the portion of the recovery zone bond volume cap limitation allocated for the issuance of Economic Development Bonds in Portage County, as described in 1(e) of this resolution.

SECTION 7

This Resolution is hereby declared an emergency measure necessary for the health, safety, and welfare of the citizens of Portage County and for the further reason that this resolution must be immediately effective to preserve the County’s ability to issue the NEOUCOM Bonds and other Recovery Zone Bonds to promote job creation and economic recovery with the County at the earliest possible time.

SECTION 8

Provided this resolution receives the affirmative vote of two members of this Board of Commissioners, it shall take effect immediately upon its adoption and approval by this Board of Commissioners; now therefore 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. 09-1008

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RE:

AMENDMENT TO THE GENERAL FUND 2009 ANNUAL
APPROPRIATION RESOLUTION NO. 08-1181 ADOPTED
DECEMBER 11, 2008.

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

RESOLVED, that it has become necessary to amend the General Fund 2009 Annual Appropriation in the amounts and for the purposes set forth in the enumeration shown below,

	<i>Increase</i>	<i>Decrease</i>
Fund: 0001 General Fund		
001 Commissioners		
00015 Commissioners MS	0	1,976
MEMO TOTAL	<u><u>\$ -</u></u>	<u><u>\$ 1,976</u></u>

Note: Clerk of Court Shelving

017 Microfilm

00174 Microfilm CS	1,000	0
00175 Micorfilm MS	0	1,000
MEMO TOTAL	<u><u>\$ 1,000</u></u>	<u><u>\$ 1,000</u></u>

Note: Projected Need

500 Clerk of Courts

05005 Clerk Common Pleas Ct MS	1,976	0
MEMO TOTAL	<u><u>\$ 1,976</u></u>	<u><u>\$ -</u></u>

Note: Shelving System

530 Common Pleas Court

05303 Common Pleas Fringes	0	200
05304 Common Pleas Court CS	1,428	0
0530D Common Pleas Full Time	0	1,228
MEMO TOTAL	<u><u>\$ 1,428</u></u>	<u><u>\$ 1,428</u></u>

Note: For LWOP/Prof. Serv.

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		<i>Increase</i>	<i>Decrease</i>
700 Sheriff's Department			
07005	Sheriff-General Admin MS	10,000	0
07103	Sheriff-Corrections Fringes	9,000	0
07105	Sheriff-Corrections MS	10,000	0
0710M	Sheriff-Corrections Overtime	0	9,000
0730D	Sheriff-Road Deputis Full Time	0	15,000
0740D	Sheriff-Dispatch Full Time	0	5,000
MEMO TOTAL		\$ 29,000	\$ 29,000

Note: Projected Need

TOTAL MEMO BALANCE ALL AMENDMENTS	\$ 33,404	\$ 33,404
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and be it further,

RESOLVED, that the notes stated in the resolution are for informational purposes only and are not intended to restrict the expenditure of those appropriated funds to any single purpose. Such funds are for the use of all expenditures that are lawful under the approved appropriation.

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

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

Roll call as Follows:

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

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RESOLUTION No. 09-1009

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RE: CONFIRM PAYOUT REQUIREMENTS UNDER THE AMENDED SETTLEMENT AGREEMENT BETWEEN THE PORTAGE COUNTY BOARD OF COMMISSIONERS (ON BEHALF OF THE PORTAGE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES) AND SYLVIA STRASSHOFER (PORTAGE COUNTY CASE NO. 2008 CV 01760).

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

The Executive Assistant attending to advise the Board of Commissioners that Ms. McCoy is a re-appointment, sent the required documentation regarding her attendance and class participation and is highly recommended by Pat Macke.

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INVITATIONS/MEETING NOTICES

October 27, 2009

1. Invitation from Catholic Charities of Portage County for the 3rd Annual Men Who Cook event on Saturday, February 13, 2010 at Immaculate Conception Parish Hall, 6:00-9:00 PM.
2. Invitation from the Streetsboro Area Chamber of Commerce for the All Chamber After Hours at Hattie Larlham on Thursday, November 12, 2009, 5:30-7:00 PM.
3. Invitation from Boy Scout Troop 259 for the Eagle Scout Court of Honor for Michael Swaisgood on Sunday, November 8, 2009, 4:00 PM Ceremony and dinner to follow, Faith United Methodist Church, Brimfield (cc: Executive Assistant).
4. Meeting notice for NEFCO Regular meeting of the General Policy Board on Wednesday, October 21, 2009, Summa Health Center, Green, 8:30 AM.
5. Meeting notice for the AMATS Policy Committee meeting Wednesday, November 4, 2009, 1:30 PM, Martin University Center South Room, Akron.
6. Invitation from the Greater Akron Chamber for The Buzz Around Town – State Regulations Update – How to Navigate the Red Tape on Tuesday, October 27, 2009, Firestone Country Club, 7:30 AM Registration, Program 8:00 AM.
7. Meeting notice from NOPEC for the General Assembly Meeting on Tuesday, November 10, 2009, at the Independence Civic Center, 1:30 PM.

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INCOMING CORRESPONDENCE

DISCUSSION

October 27, 2009

1. October 19, 2009 correspondence from the Portage County Veterans Service Commission, regarding Fiscal Year 2010 Veterans Service Commission budget/Information only.
2. The Board of Commissioners received the 2009 Community Survey as presented by the Portage County Board of Developmental Disabilities/The Board of Commissioners asked that the Executive Assistant complete this survey.
3. October 20, 2009 memo from the Portage County Regional Planning Commission, regarding the December 1, 2009 rural development payment/Information only.
4. October 22, 2009 confidential correspondence regarding a Portage County Nursing Home grievance/Commissioner Smeiles noted that he had a conversation with Attorney PJ Malnar, who was hired by The Woodlands to handle this issue. Attorney Malnar has reviewed the Commissioners'

Personnel Policy Manual as well as the grievance and will represent The Woodlands in this issue, letting the Board of Commissioners know how to proceed. The Commissioners agreed that Human Resources Department Director Karen U'Halie should make a recommendation as to a third party to host the required hearing.

5. October 22, 2009 correspondence from Tim Hartong, Portage County Regional Airport Authority, including an invoice from C&S Companies for the business plan for the Airport/Information only. Commissioner Smeiles noted that this invoice was sent in error.
6. October 23, 2009 correspondence from Ralph Napolitano, including the revised Portage County Regional Airport Authority business plan progress/Forwarded to Interim President Tim Hartong/Information only.
7. October 19, 2009 correspondence from James Bierlair, Portage Soil & Water Conservation District, regarding an urban tour and storm water utility discussion on Friday, November 6, 2009. Does the Board wish to attend? Lunch at the Hartville Kitchen at Noon before meeting at the Suffield Business Administration Building at 1:30 PM/Commissioner Smeiles will attend both the luncheon and meeting; Commissioner Frederick will attend the meeting and Commissioner Keiper will attend if his scheduled meeting allows.

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JOURNAL ENTRIES

October 27, 2009

1. The Board of Commissioners received the October 19, 2009 Acknowledgement of New Preauthorized Debit Authorization Agreement with the first annual payment being withdrawn on October 1, 2010 from JP Morgan Chase Bank as presented by the US Department of Agriculture Rural Development/Hold for a revised letter per Department of Budget & Financial Management's Karen Garman. The financial institution information is not correct.

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REFERRED

October 27, 2009

1. October 22, 2009 correspondence from Paul Keltner, Montgomery Financial Services, regarding a public records request. Referred to the Treasurer, Auditor and Prosecutor.

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PLEASE ADD TO THE AGENDA

October 27, 2009

1. Board of Commissioners' authorization and signature requested on the Subordination of mortgage for Mega Plastics Inc. as presented by Neighborhood Development Services/Journal Entry

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INFORMATION ONLY

October 27, 2009

1. Undated correspondence (received October 21, 2009) from Karen Carmany, Portage Animal Protective League, regarding donations.

2. The Board of Commissioners received a sponsorship opportunity for the Ravenna VFW Post 1055 Annual Steel Tip Dart Tournament on October 24, 2009.
3. The Board of Commissioners received a CD entitled Managing Your Military Employees Effectively, as presented by the Department of Defense.
4. The Board of Commissioners received the Portage County Regional Airport Authority meeting minutes dated August 12, 2009.
5. The Board of Commissioners received the Portage County Regional Airport Authority meeting minutes dated September 9, 2009.

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Journal Entry

October 27, 2009

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

1. The Board of Commissioners signed the October 27, 2009 correspondence to County Auditor Janet Esposito requesting that staff debit Fund 0001 for \$3,284.00 and credit Fund 8400, as requested by the Juvenile Detention Center and approved the Department of Budget and Financial Management:

	ORG	OBJECT	PROJECT	AMOUNT	DESCRIPTION
Debit	00100004	492400		\$3,284.00	JDC Vehicle Ins. Proceeds
Credit	84009211	160000		\$3,284.00	JDC Vehicle Ins. Proceeds

2. The Board of Commissioners signed the October 27, 2009 correspondence to County Auditor Janet Esposito requesting that staff process the following expenditure corrections, as approved the Department of Budget and Financial Management:

	ORG	OBJECT	PROJECT	AMOUNT	DESCRIPTION
Debit	00010004	422000		\$15,682.46	NH & JFS Legal Svc. Corr.
Credit	00010002	250000		\$15,682.46	NH & JFS Legal Svc. Corr.

3. The Board of Commissioners signed the Personnel Action form acknowledging the retirement of Marlene Morgan as the Family Intervention Supervisor for the Portage County Department of Job and Family Services, effective December 31, 2009, as presented by the Human Resources Department Director Karen U’Halie and approved by the Department of Job and Family Services Director Anita Herington.
4. The Board of Commissioners approved the following Personnel Requisitions, as presented by the Portage County Human Resources Department and approved by Department of Job & Family Services Director Anita Herington:

DEPARTMENT	JOB TITLE	GRADE	ACTION
Department of Job & Family Services	Family Intervention Supervisor (Replacement for Marlene Morgan)	MGT 05	Post Externally

5. The Board of Commissioners accepted the recommendation of Director Bill Ulik and authorized the Department of Economic Development to encumber \$10,000 payable to the Kent State University College of Business Administration's Managerial Marketing Program for the creation of a Portage County Marketing Plan and Segmentation Study. The Board of Commissioners agreed that this hire is contingent upon their review and approval of past work product performed by the Managerial Marketing Program.
6. The Board of Commissioners authorized The Woodlands at Robinson to accept the October 20, 2009 quote from the Portage County Engineer for a temporary repair to the catch basins in the nursing home parking lot at a cost of \$1,019.85.
7. The Board of Commissioners signed the Subordination of Mortgage for the Mega Plastics Company Inc, as presented by the Neighborhood Development Services. The Board of Commissioners noted that this Line of Credit was agreed upon and part of the original financing structure with Home Savings Bank but was not filed at closing. Mega Plastics has retained 12 full-time employees and has submitted job certifications for two new hires.
8. After meeting today with Department of Budget & Financial Management Director Audrey Tillis and Human Resources Department Director Karen U'Halie, the Board of Commissioners confirmed that full-time employees who are furloughed by a Mandatory Furlough Plan established by each county appointing authority (elected official) shall maintain their full-time status for the purpose of Portage County Health Benefits. The Board of Commissioners also agreed that, during a furlough period, vacation and sick leave would continue to accrue at the employee's current rate prior to the furlough.

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 **October 27, 2009**. There being no further business to come before the Board, it was moved by Maureen T. Frederick, seconded by Christopher Smeiles to adjourn the official meeting at 2:26 PM. All in favor, motion carries.

Charles W. Keiper II, President

Maureen T. Frederick, Vice President

Christopher Smeiles, Board Member

Deborah Mazanec, Clerk

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