

**Tuesday, November 10, 2009**

The Board of County Commissioners met in regular session on **Tuesday, November 10, 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 November 5, 2009 meeting. All in favor, motion carries.

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Also attending throughout the day: Dave O'Brien, Record-Courier

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### **WOODLANDS AT ROBINSON**

Present: Gary Mitrisin; Karen U'Halie

9:40 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Maureen T. Frederick**, seconded by **Christopher Smeiles** that the Board of Commissioners move into executive session to consider a discipline issue at The Woodlands at Robinson. **Also present: Nursing Home Administrator Gary Mitrisin and Human Resources Department Director Karen U'Halie.** Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

10:02 AM Upon conclusion of the above referenced discussion, it was moved by **Charles W. Keiper II** seconded by **Maureen T. Frederick** that the Board of Commissioners moves out of executive session. Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

After exiting Executive Session, the Board of Commissioners took action by Journal Entry.

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### **PROSECUTOR**

Present: Denise Smith, Gary Mitrisin

Denise Smith advised that she is looking at the nursing home's OmniCare contract for prescription services for residents. Attorney Smith will discuss this contract with JoAnn Townend.

### **Review of Prosecutor's Pending List**

1. The Board of Commissioners discussed the Solid Waste Management District question as to whether or not the Solid Waste Management District's Transfer Station license supersedes township zoning. Denise Smith to relay that question to Attorney Leigh Prugh.
2. Attorney Prugh advised Attorney Smith that Water Resources Department is to investigate the delinquent charges for the Spring Lakes homes that may or may not be tied into the sewer plant. The Board of Commissioners agreed that whoever receives the service should pay the bill.

### **Prosecutor's Correspondence**

1. November 3, 2009 correspondence from Denise Smith indicating that the request for a legal opinion for the Solid Waste Management District (considered to be a public utility) has been assigned to Leigh Prugh.

2. November 3, 2009 correspondence from Denise Smith regarding the Commissioners' emergency protocol/The Board of Commissioners agreed to read this correspondence and discuss at a later date.
3. November 4, 2009 correspondence from Leigh Prugh to Kenneth Coffman regarding the Whispering Meadows Subdivision in Suffield Township/Information only
4. November 5, 2009 correspondence from Leigh Prugh to Sheldon Price of Northeast Ohio Trenching Service, Inc. regarding the SR 44 Vacuum Sewer Installation Project Maintenance Period/Information only
5. November 5, 2009 email from Denise Smith regarding mandated services for the Board of Commissioners/Information only

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**EXECUTIVE ASSISTANT**

Present: Charlene Badger

The Board of Commissioners discussed the draft agenda for the Veterans Memorial observation tomorrow.

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**DEPARTMENT OF BUDGET AND FINANCIAL MANAGEMENT**

Present: Audrey Tillis

Resolutions

1. General Fund Amendments to the Annual Appropriation Resolution:/09-1043
  - a. Commissioners Other, Supplemental – BOC Appr 11-3-09 JE #22 and Projected Utility Need
  - b. Building Maintenance, Supplemental – Projected Utility Need
  - c. Prosecutor, Transfer – Projected Need
  - d. Clerk of Courts, Supplemental and Transfer – BOC Appr 11-3-09 JE#22 and Projected Need
  - e. Sheriff's Department, Transfer – Projected Need
  - f. Data Processing Board, Transfer – Projected Need
2. Other Funds Amendments to the Annual Appropriation Resolution:/09-1044
  - a. Fund 1011, Comp Legal Research Juvenile Ct – Supplemental, Annual Equipment Maintenance
  - b. Fund 1014, Common Pleas Tech Spec Proj – Supplemental, Court Room Project
  - c. Fund 1102, Marine Patrol Grant – Transfer, Year End Grant Expenditures
  - d. Fund 1122, Adult Probation – Transfer, Projected Need
  - e. Fund 1123, Community Integration Soc CISP – Transfer, Projected Need
  - f. Fund 1148, Kids In Treatment – Supplemental, Adjustment for Grant
  - g. Fund 1201, Motor Vehicle and Gas Tax – Supplemental, Part-time Watchmen Wages and Road Department Overtime
  - h. Fund 1251,CDBG County Formula – Supplemental, Appropriate Available Certification
  - i. Fund 1415, Child Welfare – Special Levy – Transfer, Projected Need

Other

3. Discussion



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**RESOLUTION No. 09-1038 - 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

**WHEREAS,** there are other similar financial transactions defined as journal vouchers/entries that are dissimilar in that they are used to pay for charges for services from one county department and/or fund to another department and/or fund and thus are processed in lieu of issuing a warrant, and

**WHEREAS,** the Journal Vouchers/Entries are recommended by the County Auditor’s Office for review and approval by the Board of Commissioners; now therefore be it

**RESOLVED,** that the Board of Commissioners approves the following Journal Vouchers/Entries as presented by the County Auditor’s Office:

11/09/09	406	\$ 4,762.43
11/09/09	405	1,953.28
11/09/09	399	3,750.00
11/09/09	398	650.00
11/09/09	397	9,645.00
11/09/09	396	9,648.00
11/09/09	395	4,695.35
11/09/09	394	25,924.98
11/09/09	393	6,447.57
11/09/09	409	1,600.00
<b>Total</b>		<b>\$ 69,076.61</b>

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. 09-1039 - RE: ACCEPTANCE OF THEN AND NOW CERTIFICATIONS FOR PAYMENT.**

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

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

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

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

**RESOLVED,** that the expenditures listed herein are properly certified by the County Auditor in the amount of **\$4,271.46** as set forth in Exhibit "A" dated **November 10, 2009** shall be paid; and be it further

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

Voice Vote as Follows:

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

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**RESOLUTION No. 09-1040**

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**RE:**

**APPROVING A REQUEST FOR INSTALLMENT PAYMENTS OF CONNECTION CHARGES FOR CONNECTION TO THE SANITARY SEWERAGE SYSTEM IN THE PORTAGE COUNTY REGIONAL SEWER DISTRICT AND ESTABLISHING THE TERMS AND CONDITIONS OF THE SAME.**

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

**WHEREAS,** this Board by **Resolution No. 09-0006** adopted January 06, 2009, has established connection charges for connection to the sanitary sewerage system in Ravenna Township and has provided therein that the applicants in order to purchase a permit for such connection may submit a written request to the Board requesting that such connection charges be paid in installments; and

**WHEREAS,**

the following named applicants, being the owners of the property hereafter described applied for a sanitary sewer permit in 2009 and have now requested in writing the option of paying the connection charges, applicable to the following described property in installments;

Applicants:

Sterling Wilson and Robert Wilson (Owners)

Service Addresses: 5550 New Milford Road  
Ravenna, Ohio 44266

Parcel Numbers: 29-328-00-00-023-001

Property Deed Description: Situated in the Township of Ravenna, County of Portage and State of Ohio: Know as being part of Lot number 28 of the South Division of Lots and further being a part of a parcel of land deeded to Sterling Wilson and Robert Wilson as recorded by instrument number 200821207 of the Portage County Official Records of Deeds and being further described as follows: Beginning at the intersection of C.H. 31 (New Milford Road) and the North Lot line of Lot 28; Thence South 0 degrees 30 minutes 00 seconds West 210.40 feet along the centerline of said road to a point, said point also being the true point of beginning for the following described parcel of land.

Thence North 88 degrees 18 minutes 20 seconds East 250.00 feet passing over a half inch iron pipe set at 30.02 feet to a half inch iron pipe set;

Thence South 0 degrees 30 minutes 00 seconds West 155.62 feet to a half inch iron pipe set;

Thence North 88 degrees 18 minutes 20 seconds East 796.52 feet to a half inch iron pipe set;

Thence South 0 degrees 05 minutes 13 seconds West 129.35 feet to a five-eighths inch iron pipe;

Thence South 88 degrees 18 minutes 20 seconds West 1047.45 feet and passing over a half inch iron pipe found 1017.43 feet to a half inch iron pipe found in the centerline of C.H. 31;

Thence North 0 degrees 30 minutes 00 seconds East 285.00 feet along the centerline of C.H. 31 to the point of beginning and containing 4.00 acres, more or less, according to a survey made in August of 1987 by Dan Stankavich, Professional Surveyor Number 7122.

**WHEREAS,**

this Board, on the basis of all relevant facts and circumstances, hereby determines that the granting of such request would be equitable pursuant to the following terms and conditions that are determined to be fair and appropriate now therefore be it

**RESOLVED,**

by the Board of County Commissioners, Portage County, Ohio  
(COMMISSIONERS):

Section 1. That determinations set forth in the second preamble of this resolution are hereby incorporated herein.

Section 2. That request of the above named applicants for the Installment payment of the connection charges established pursuant to Resolution No. **09-0006**, adopted January 6, 2009 with respect to the property described in the preamble to this resolution is hereby approved subject to the following terms and conditions.

- A. The total amount of such connection charges is \$4,405.00.
- B. The connection charges shall be payable in 20 quarterly Installments beginning with the first sanitary sewer billing after connection to the sanitary sewer, unless pursuant to Paragraph H of this section, if the applicants are delinquent twice in any calendar year on paying quarterly installments and carrying charge thereon, at which time the total unpaid balance of such connection charges shall be deemed an additional installment then due and owing in that quarter.
- C. A carrying charge shall be paid equal to 4.00 percent per annum on the unpaid balance of the total connection charges due and owing computed from the date of the payment of the preceding quarterly installment.
- D. The quarterly installment and the carrying charges thereon shall be included as a separate item on the quarterly bill for sewer service.
- E. In the event any installment or the carrying charge thereon are not paid within days after the quarterly billing date, a penalty of 10 percent of the amount then due and owing shall be paid.
- F. The applicants, prior to the issuance of the permit, may be required by the Board of County Commissioners to give security, which may include the requirement of a surety Bond sufficient to assure the payment of all such installments.
- G. The applicants or their successors, in title to the property identified in the preamble (hereinafter referred to as "their successors"), at their option may, at any time, make payment of the unpaid balance of the connection charges and carrying charge provided for herein, provided that if such prepayment option is elected, the carrying charge provided for herein shall be computed and paid only to the date of payment of the unpaid balance.
- H. In the event the applicants or their successors are delinquent twice in any calendar year on paying quarterly installments and carrying and the carrying charge. Thereon, the Board may by notice in writing to the applicants or their successors, declare the unpaid balance of the connection charge to be due and payable immediately as an additional installment then due and owing in that quarter and upon such declaration such installment shall become due and payable, provided that the applicants or their successors, may cure such default and acceleration of the additional installment by paying, within 15 days of such carrying charges thereon together with the penalty applicable thereto. Such written notice shall be

given to the applicants or their successors, by registered or certified mail, postage prepaid at the address set forth in the following approval of terms and conditions. It shall be the obligation of the applicants or their successors to notify the County Sanitary Engineer of any difference of address to which such notice shall be sent. In the event such default is not cured by such payment within the specified period, the installments which are delinquent, together with any unpaid carrying charges and penalty and the balance of the connection charges, all of which are due and payable by reason of such declaration, shall be certified by this Board to the County Auditor who shall place the same upon the real property tax list and duplicate against the property served by such connection and such charge shall be a lien on such property from the date the same are placed on the real property tax list and duplicate by the Auditor and shall be collected in the same manner as other taxes.

Section 3. The Sanitary Engineer acting on behalf of the Board, is hereby authorized and directed to certify to the County Auditor such information as will identify the parcel of property to be served by the connection to be paid in installments pursuant to this resolution, the total amount of the connection charges to be paid in installments, the amount of each installment and the total number of installments to be paid. The County Auditor shall record such information in the sewer improvement record provided for in Section 6117.33, Revised Code, for the Sewer District and maintain such record until the connection charges are paid in full.

Section 4. The County Sanitary Engineer shall present a certified copy of this resolution to the applicants referred to herein. The applicants shall execute thereon an endorsement that the terms and conditions set forth in the resolution are satisfactory to the applicants and that the resolution and the terms and conditions thereof, constitute an agreement between the applicants and the County. Upon the execution by the applicants of the approval of such terms and conditions, the applicants can execute an affidavit pursuant to Section 5301.252, Revised Code, for recording pursuant to Section 317.08, Revised Code, with respect to the right of Portage County to acquire a lien against the above described property in the event of the failure of the applicants or their successors, to pay when due as provided herein. Such affidavit shall, among other things, identify the property to which such lien may attach and shall have attached to it a true and correct copy of this resolution, including the approval of the terms and conditions by the applicants and such County. Upon the receipt of the resolution with such endorsement executed by the applicants and the execution of such affidavit, the County Sanitary Engineer is authorized to issue to the applicants the permit provided for in Section 2 of Resolution No. **09-0006**.

Section 5. That the Clerk of this Board is hereby directed to file a certified copy of this resolution with the Auditor of this County for recording pursuant to Section 319.61, Ohio Revised Code. In the event the Board declares the unpaid balance to be due and payable pursuant to Subsection H of Section 2 and the default is not cured, a certified copy of the resolution providing for the acceleration of the unpaid balance shall so be certified to the County Auditor for recording pursuant to such section.

Section 6. 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 a 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. 09-1041**

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**RE:**

**COMBINE PROJECT NOS. PC (07-140), ST-4 (07-141) & PC-W (07-142) "OPERATIONS & MAINTENANCE EQUIPMENT GARAGE" INTO PROJECT NO. PC (07-143).**

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

**WHEREAS,**

pursuant to authorization by the Board contained in Resolutions 07-0638, 07-0639 and 07-0640 adopted July 3, 2007, the Water Resources Department has caused to be prepared and submitted for approval plans, specifications and estimate of cost for Project Nos. PC (07-140), ST-4 (07-141) and PC-W (07-142) Operations & Maintenance Equipment Garage, hereinafter referred to as the "PROJECT"; and

**WHEREAS,**

Project No. PC (07-140) is under Fund 5200, Project No. ST-4 (07-141) is under Fund 5600, and Project No. PC-W (07-142) under Fund 5400; and

**WHEREAS,**

it is now necessary to combine Project Nos. PC (07-140), ST-4 (07-141) and PC-W (07-142) into one project for appropriate accounting purposes; and

**WHEREAS,**

the Portage County Board of County Commissioners desires to combine the aforementioned project numbers under Project No. PC (07-143), Operations & Maintenance Equipment Garage; now therefore be it

**RESOLVED,**

by the Board of Commissioners of Portage County, Ohio:

Section 1. That said authorization to combine the PROJECT under Project No. PC (07-143), Operations & Maintenance Equipment Garage is hereby approved.

Section 2. That the effective date of this resolution is November 2, 2009.

Section 3. That the Clerk of this Board is hereby directed to certify a copy of this Resolution to the County Auditor and the Department of Budget and Financial Management within 15 days after its passage.

Section 4. 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 was as follows:

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

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**RESOLUTION No. 09-1042**

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**RE: CONFIRM APPOINTMENT TO THE NORTHEAST OHIO  
COMMUNITY ALTERNATIVE PROGRAM (NEOCAP)  
FACILITY GOVERNING BOARD**

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

**WHEREAS,** the Northeast Ohio Community Alternative Program (NEOCAP) was established by the Common Pleas Judges of Portage, Geauga, Lake, Ashtabula and Trumbull counties in 1997 and serves as the Community Based Corrections Facility (CBCF); and

**WHEREAS,** Ohio Revised Code Section 2301.51(E) provides that the CBCF be governed by a Facility Governing Board to which the judicial advisory board of the CBCF shall appoint two-thirds of the members [six (6)] and the boards of county commissioners of the member counties of the CBCF shall appoint the remaining one-third of the members [three (3)]; and

**WHEREAS,** it is within the discretion of and has been mutually determined by the CBCF's member counties that the Facility Governing Board should be comprised of nine members which requires that boards of county commissions of the member counties shall appoint three of the members; and

**RESOLVED,** that the Portage County Board of Commissioners does appoint the following to serve on the Facility Governing Board:

<u>Name</u>	<u>Term Expires</u>
Dennis Lager	November 9, 2012

and be it further

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

Voice Vote as Follows:

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

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RESOLUTION No. 09-1043

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,

		<u>Increase</u>	<u>Decrease</u>
<b>Fund: 0001</b>	<b>General Fund</b>		
	<b>010 Commissioners Other</b>		
00107	Commissioner Other OE	0	30,600
00109	Commissioner Other ME	0	30,000
	<b>MEMO TOTAL</b>	<u>\$ -</u>	<u>\$ 60,600</u>

Note: Projected Utility Need      BOC Appr 11-3-09 JE#22

**016 Building Maintenance**

00164	Justice Center Maint CS	50,000	0
	<b>MEMO TOTAL</b>	<u>\$ 50,000</u>	<u>\$ -</u>

Note: Projected Utility Need

**300 Prosecutor**

03004	Procecutor General Admin CS	0	3,000
03005	Prosecutor General Admin MS	3,000	0
	<b>MEMO TOTAL</b>	<u>\$ 3,000</u>	<u>\$ 3,000</u>

Note: Projected Need

		<u>Increase</u>	<u>Decrease</u>
<b>500 Clerk of Courts</b>			
05003	Clerk Common Pleas Ct Fringes	23,780	0
05004	Clerk Common Pleas Ct CS	0	3,400
0500D	Clerk Common Pleas C Full Time	29,223	0
0500M	Clerk Common Pleas C Overtime	0	13,003
05023	Clerk-Civil/Criminal Fringes	3,856	160
05024	Clerk-Civil/Criminal CS	3,400	0
05025	Clerk-Civil/Criminal MS	150	150
0502D	Clerk-Civil/Criminal Full Time	0	27,696
0502M	Clerk-Civil/Criminal Overtime	0	5,400
	<b>MEMO TOTAL</b>	<b><u>\$ 60,409</u></b>	<b><u>\$ 49,809</u></b>

Note: BOC Appr 11-3-09 JE#22      Projected Need

<b>700 Sheriff's Department</b>			
07004	Sheriff-General Admin CS	20,200	8,000
07006	Sheriff-General Admin CO	0	224
0700D	Sheriff-General Full Time	0	2,000
0700M	Sheriff-General Overtime	1,000	0
07103	Sheriff-Corrections Fringes	0	4,000
07104	Sheriff-Corrections CS	57,000	11,376
07105	Sheriff-Corrections MS	2,400	10,000
0710D	Sheriff-Corrections Full Time	0	2,000
0710E	Sheriff-Corrections Part Time	0	2,000
07203	Sheriff-Detectives Fringes	6,000	0
0720D	Sheriff-Detectives Full Time	0	8,000
0720E	Sheriff-Detectives Part Time	0	3,000
0720M	Sheriff-Detectives Overtime	2,000	0
07303	Sheriff-Road Deputies Fringes	0	15,000
0730D	Sheriff-Road Deputies Full Time	0	22,000
0730E	Sheriff-Road Deputies Part Time	5,000	0
0730M	Sheriff-Road Deputies Overtime	0	3,000
07403	Sheriff-Dispatch Fringes	3,000	4,000
0740D	Sheriff-Dispatch Full Time	0	4,000
0740E	Sheriff-Dispatch Part Time	2,000	0
	<b>MEMO TOTAL</b>	<b><u>\$ 98,600</u></b>	<b><u>\$ 98,600</u></b>

Note: Projected Need

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		<u>Increase</u>	<u>Decrease</u>
<b>915 Data Processing Board</b>			
09154	Data Processing Bd CS	2,500	0
0915M	Data Processing Bd Overtime	0	2,500
<b>MEMO TOTAL</b>		<u><u>\$ 2,500</u></u>	<u><u>\$ 2,500</u></u>

Note: Projected Need

<b>TOTAL MEMO BALANCE ALL AMENDMENTS</b>	<u><u>\$ 214,509</u></u>	<u><u>\$ 214,509</u></u>
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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. 09-1044

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>
		<hr/>	<hr/>
<b>Fund: 1011</b>	<b>Comp Legal Research Juvenil Ct</b>		
	<b>570 Juvenile Court</b>		
10114	Comp Lgl Research Juvenil CS	2,500	0
	<b>MEMO TOTAL</b>	<hr/> <b>\$ 2,500</b> <hr/>	<hr/> <b>\$ -</b> <hr/>

Note: Annual Equipment Maintenance

<b>Fund: 1014</b>	<b>Common Pleas Tech Spec Proj</b>		
	<b>530 Common Pleas Court</b>		
10145	Common Pleas Tech Spec Proj MS	500	0
10146	Common Pleas Tech Spec Proj CO	3,500	0
	<b>MEMO TOTAL</b>	<hr/> <b>\$ 4,000</b> <hr/>	<hr/> <b>\$ -</b> <hr/>

Note: Court Room Project

<b>Fund: 1102</b>	<b>Marine Patrol Grant</b>		
	<b>700 Sheriff's Department</b>		
11024	Sheriff-Marine Patrol CS	550	0
11025	Sheriff-Marine Patrol MS	1,650	2,200
	<b>MEMO TOTAL</b>	<hr/> <b>\$ 2,200</b> <hr/>	<hr/> <b>\$ 2,200</b> <hr/>

Note: Year End Grant Expenditure

<b>Fund: 1122</b>	<b>Adult Probation</b>		
	<b>590 Adult Probation</b>		
11224	Adult Probation CS	200	0
11225	Adult Probation MS	0	200
	<b>MEMO TOTAL</b>	<hr/> <b>\$ 200</b> <hr/>	<hr/> <b>\$ 200</b> <hr/>

Note: Projected Need

		<i>Increase</i>	<i>Decrease</i>
<b>Fund: 1123</b>	<b>Community Integration Soc CISP</b>		
	<b>590 Adult Probation</b>		
11233	Comm Integra Soc CISP Fringes	1,250	7,510
1123D	Comm Integr Soc CISP Full Time	5,000	0
1123E	Comm Integr Soc CISP Part Time	1,260	0
	<b>MEMO TOTAL</b>	<b>\$ 7,510</b>	<b>\$ 7,510</b>

Note: Projected Need

<b>Fund: 1148</b>	<b>Kids In Treatment</b>		
	<b>570 Juvenile Court</b>		
11484	Kids In Treatment CS	0	18,877
11487	Kids In Treatment OE	2,332	0
	<b>MEMO TOTAL</b>	<b>\$ 2,332</b>	<b>\$ 18,877</b>

Note: ADJUSTMENT FOR GRANT

<b>Fund: 1201</b>	<b>Motor Vehicle And Gas Tax</b>		
	<b>800 Engineer's Department</b>		
1201E	Motor Vehicle/Gas Tx Part Time	10,000	0
1201M	Motor Vehicle/Gas Tx Overtime	13,000	0
	<b>MEMO TOTAL</b>	<b>\$ 23,000</b>	<b>\$ -</b>

Note: Part-time Watchmen Wages Road Department Overtime

<b>Fund: 1251</b>	<b>CDBG County Formula</b>		
	<b>081 Community Development</b>		
12514	CDBG Conty Formula CS	41	0
	<b>MEMO TOTAL</b>	<b>\$ 41</b>	<b>\$ -</b>

Note: Appropriate Available Certification

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		<u>Increase</u>	<u>Decrease</u>
<b>Fund: 1415</b>	<b>Child Welfare - Special Levy</b>		
	<b>051 Job And Family Services</b>		
14153	JFS Child Welfare Levy Fringes	0	80,000
1415D	JFS Child Welfare Le Full Time	80,000	0
<b>MEMO TOTAL</b>		<u><u>\$ 80,000</u></u>	<u><u>\$ 80,000</u></u>

Note: Projected need

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<b>TOTAL MEMO BALANCE FOR ALL FUNDS</b>	<u><u>\$ 121,783</u></u>	<u><u>\$ 108,787</u></u>
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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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**RESOLUTIONS**

November 10, 2009

1. Approval of Meeting Minutes from the November 5, 2009 regular Board Meeting as presented.
2. Approve the Bills as presented by the County Auditor and reviewed by the Internal Auditor./09-1037
3. Approve the Journal Vouchers as presented by the County Auditor./09-1038
4. Approve Then & Now as presented by the County Auditor./09-1039
5. Approving a request for installment payments of connection charges for connection to the sanitary sewerage system in the Portage County regional sewer district and establishing the terms and conditions of the same. (Water Resources Department)./09-1040

6. Combine Project Nos. PC (07-140), ST-4 (07-141), & PC-W (07-142) "Operations and Maintenance Equipment Garage" into Project No. PC (07-143). (Water Resources Department)./09-1041
7. Confirm appointment to the northeast Ohio Community Alternative Program (NEOCAP) Facility Governing Board – Dennis Lager. (Executive Assistant)./09-1042

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**INVITATIONS/MEETING NOTICES**

November 10, 2009

1. Notice of the Public Records meeting on Wednesday, November 18, 2009, 12:00 Noon-3:15 PM, Mantua Shalersville Fire Department. (Forwarded to the Commissioners’ Leadership Team).
2. Notice for the Economic Outlook 2010 seminar on Thursday, November 12, 2009, 7:30 AM-9:30 PM, Hilton Akron/Fairlawn.
3. Meeting notice for the Mental Health & Recovery Board meeting on Monday, November 9, 2009, 6:30 PM, 155 E. Main St., Kent.
4. Notice of the CAC’s Community Technology Learning Center of Portage County to visit the newly expanded facility on Wednesday, November 18, 2009, 9:00 AM-7:00 PM, 243 S. Prospect St., Ravenna.
5. Invitation from the Home Builders Association, for the 66<sup>th</sup> Inauguration Ceremonies of the Home Builders Association servicing Portage & Summit Counties on Saturday, December 5, 2009, 6:00 PM, Greystone Hall, Akron.
6. Meeting notice from Geauga County for the OPWC District Seven Final Application Approval Meeting on Wednesday, November 18, 2009, 9:30 AM (Small Government Committee meeting), 10:00 AM (Executive Committee meeting) and 10:15 AM (Integrating Committee meeting) at the Geauga County Highway Garage, Chardon.
7. Invitation from the Portage Park District for the Volunteer Appreciation Potluck Dinner on Saturday, November 21, 2009 at the Portage County Gardeners Center, 6:00-8:00 PM.

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**INCOMING CORRESPONDENCE**

**DISCUSSION**

November 10, 2009

1. Does the Board wish to attend the Sixth Annual Local Elected officials Recognition Luncheon on Friday, December 11, 2009, 11:00 AM-1:00 PM, Fairlawn Country Club, Akron.
2. October 26, 2009 correspondence from Todd Peetz, Regional Planning Commission, regarding the status of available technical assistance hours.
3. November 2, 2009 correspondence from the Aurora Chamber of Commerce, including a ballot for the 2010 Election of the Aurora Chamber Board of Directors, the Person of the Year and Business of the Year nomination forms. Completed forms requested by Thursday, November 12, 2009.
4. November 4, 2009 memo from County Auditor Janet Esposito, regarding fixed assets departmental reports. Reports must be returned no later than Friday, December 4, 2009.

5. November 3, 2009 memo from William Ulik, Economic Development, in response to the Board's request for review and comment on Dominion Community Impact Awards.
6. November 5, 2009 Note from County Auditor Janet Esposito, including Bulletin 2009-011 dated October 30, 2009 from the Auditor of State Mary Taylor's Office, regarding allocating audit costs.
7. November 6, 2009 e-mail from William Ulik, Economic Development, including draft documents for the Portage Development Board. The Board of Commissioners agreed that Commissioner Keiper should contact Tom Chema, T.N. Bhargava, Jack Kohl, Steve Colecchi and Yank Heisler to see if those five, along with one Commissioner, would agree to serve as the PDB "incorporators of record".

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**JOURNAL ENTRIES**

November 10, 2009

1. The Board of Commissioners received the Portfolio Report Update for October 2009 as presented by the Portage County Treasurer's Office.
2. Board of Commissioners' authorization requested to allow payment by the Portage County Water Resources Department of the October 29, 2009 Invoice to NEFCO for second half of local dues assessment for Fiscal Year 2010 (covering a period from January 1, 2009 through June 30, 2009) for \$6,207.75, as presented by the Water Resources Department.

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**REFERRED**

November 10, 2009

1. The Board of Commissioners received the Owner/Tenant Statement of balance due for water usage at County owned properties for October 2009 as presented by the City of Ravenna. Referred to the Internal Services Department.

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**INFORMATION ONLY**

November 10, 2009

1. November 6, 2009 e-mail from Harold Huff, Water Resources Department, regarding the West Branch Mobile Home Park.
2. The Board of Commissioners received a notice from Romanini's Restaurant and Bar, regarding holiday parties.
3. October 2, 2009 (received November 2, 2009) from Audrey Tillis, Department of Budget and Financial Management regarding review of the Portage County Sheriff's monthly record of proceedings and transactions report for September and October 2009.
4. The Board of Commissioners received the meeting minutes from August 12, 2009 as presented by the Portage County Regional Airport Authority.
5. The Board of Commissioners received the meeting minutes from September 9, 2009 as presented by the Portage County Regional Airport Authority.
6. The Board of Commissioners received the November 6, 2009 Portage County Weekly Traffic Advisory as presented by Ohio Department of Transportation.

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**Journal Entry**

November 10, 2009

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

1. The Board of Commissioners acknowledged the receipt of the Portfolio Report Update for October 2009, as presented by the Portage County Treasurer.
2. The Board of Commissioners authorized payment by the Portage County Water Resources Department of the October 29, 2009 Invoice to NEFCO for second half of local dues assessment for Fiscal Year 2010 (covering a period from January 1, 2009 through June 30, 2009) for \$6,207.75, as presented by the Water Resources Department.
3. On November 3, 2009, the Board of Commissioners authorized payment of the October 6, 2009 Invoice #30616 for \$3,917.50 from Johnson, Miller & Schmitz LLP for professional services rendered during the month of August and September 2009 for General Labor matters. Documents reviewed by Human Resources Department Director Karen U’Halie with no exceptions noted. The Board of Commissioners directed the Department of Budget & Financial Management to make an expenditure correction for the nursing home for \$3,917.50. Today, the Board of Commissioners noted that the amount authorized for payment and expenditure correction should be \$3,695.50 and not \$3,917.50.
4. After meeting today in an Executive Session with Nursing Home Administrator Gary Mitrisin and Human Resources Department Director Karen U’Halie, the Board of Commissioners agreed to a three day suspension for a nursing home bargaining unit employee.
5. The Board of Commissioners agreed to designate their 45 Regional Planning Commission Technical Assistance Hours for the revision of the Portage County Subdivision 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 **November 10, 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 11:20 AM. 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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