

Tuesday, April 13, 2010

The Board of County Commissioners met in regular session on **Tuesday, April 13, 2010 at 9:25 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 April 8, 2010 meeting. All in favor, motion carries

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

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THE WOODLANDS AT ROBINSON

Present: Mike Coury, Barb Fleischmann, Karen U’Halie

Mr. Coury explained that he is attending today to introduce Barb Fleischmann who has been hired to replace Gary Mitrisin (whose last day was Friday, April 9, 2010) as Nursing Home Administrator of The Woodlands at Robinson. The Board agreed to Journal Entry the approval to hire Ms. Fleischmann as Nursing Home Administrator for The Woodlands at Robinson.

Mr. Coury indicated that the census is at 63 today.

The Board signed correspondence to Nutan Poseria, MD, regarding the Medical Director position at The Woodlands at Robinson as prepared by Michael Coury, Generations Health Care Management. Dr. Steven Dean is the current Medical Director for the facility and Dr. Bong Kauh has been hired to serve as Medical Director for the Rehabilitation Unit.

Recessed: 10:05 AM

Reconvened: 10:16 AM

Commissioner Frederick mentioned that she spoke with Jack Klein who has an interest in serving on the PARTA Board of Trustees. Commissioner Frederick indicated that she will get in touch with the Executive Assistant and have her contact him with any openings.

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PROSECUTOR

Present: Denise Smith

Review of Prosecutor’s Pending List

1. Jane Doe, a minor (through Melissa White) vs. Clerk of Courts lawsuit. A motion to dismiss because of immunity has been filed with Federal Court. Plaintiff’s have asked for more time and it has been granted.

2. Huntington National Bank vs. Kent-Ravenna Realty Company (Foreclosure case) T Scahill has been assigned
3. Portage County Developmental Disabilities Resolution for \$1.8 mill levy – T Scahill has been assigned and she will contact Board of Elections, as well.
4. Unfinished subdivisions – ongoing
5. Dog Warden – no update
6. Legal Opinion SWMD considered public utility – L Prugh finalizing and returning to Bill Steiner.
7. Water Resources Tour Resolution – L Prugh thought she had done something on this and will talk to Harold Huff for further clarification.
8. Recorder’s Office Housing Trust Fund Fee – (T Scahill) no update
9. Vacant Timberstone Subdivision – L Prugh had meeting with Regional Planning Commission and County Engineer to make sure everyone was on the same page.
10. SWMG legal opinion sale of recyclables – L Prugh assigned.
11. Ethics Commission or AG Airport Issue – Issue for the Board’s discussion not Denise.
12. Kent Courthouse MOU – This is an agreement between Board and Judges. Denise drafted the agreement and the Judges added their input and the document was forwarded to JoAnn Townend. Because it’s an MOU with no Auditor’s Certification, it’s not a binding legally enforceable document. Right now, the MOU has stopped project. Chuck indicated that JoAnn Townend was supposed to draft her changes to the Board and JoAnn indicated she provided highlights throughout the contract on what was different between the two contracts. Denise indicated that the Board is the contracting authority.
13. Additional costs for special project funds Case No. 2008-MS-00096 (1757) Done. The gap in the Sheriff’s budget will be filled by the end of the year because additional court costs will generate \$150,000-\$160,000 from Muni Court and \$10,000 from Common Pleas.

This is the same \$20.00 from the Courthouse Capital fund for the courthouse - \$6.77 is going for FY2010 and \$13.00 is for Capital Projects. The Common Pleas is Court Technology is \$20.00. Common Pleas \$6.77 going towards the Security Agreement and the rest is staying. So the Judges are participating and Judge Enlow is comfortable as long as it’s for 2010 only.

Prosecutor’s Correspondence

1. April 8, 2010 e-mail from Leigh Prugh, regarding legal fee applications. /If the Judges order more than the Board’s fee schedule allows, attorneys are entitled to the fee schedule amount unless the Board decides otherwise. Board agreed to stick with the current fee schedule, period.

R.C. 120.33(A)(3) allows the Board to pass a resolution setting a fee schedule for indigent client case fees. The Board has done this. Moreover, R.C. 120.33(A)(4) provides that a court, when authorizing attorney fees for appointed counsel, shall not authorize fees in a greater amount than what is provided for in the resolution.

Unfortunately in the case of Troy Reeves, the judge has approved fees exceeding the amounts listed in the resolution. The Ohio Public Defender Standard and Guidelines manual provides that Troy should only receive fees for one charge, despite multiple charges in the case. The fees to be awarded are for the most serious charge. In this case, it's murder. The cap for fees in murder cases is \$3,000. With regard to extraordinary fees, our office believes that the language is not written clearly, and can be interpreted to state that extraordinary fees may be awarded for each day of trial where extraordinary fees are warranted, at a rate of \$200/day. In this case, Troy's client had a 9 day trial. The cap would therefore be \$1,800. That's higher than the amount authorized by Judge Pittman. But still, the total that should have been authorized by her would be a maximum of \$4,500 (\$3,000 in regular fees for the murder charge, plus her award of extraordinary fees in the amount of \$1,500), rather than \$9,000.

This is also the case with Eric Fink's request for reimbursement. He is requesting—and Judge Giulitto has authorized—\$259 for a contempt case, where the cap is \$200. This may also be the case with Terry Kane's recent request for reimbursement. But I don't know that because I haven't seen the paperwork, so I don't know what the judge authorized.

The risk in paying what the judges have authorized is that eventually, the PD's office may compare those amounts against the County's resolution and only reimburse the County for what should have been authorized under the resolution. I did speak to someone at the PD's office today, and was told that the PD's office will go with the judge's amount. This is only a verbal communication, however, and I don't know whether this person is authorized to officially speak on behalf of the PD's office. I would advise the Board to obtain a statement from the PD's office in writing before relying on that representation. In any case, reimbursement of the larger judges' amounts will be more costly to the County. On the other hand, it will not cause any friction between the Board and the courts and/or appointed counsel.

If the Board decides to pay only the amounts referenced in the resolution, the Board has a very defensible position with statutory authority to support that decision. The risk is that it might upset judges, and most certainly will upset appointed counsel. In particular, Troy might use legal action to try to recover the remainder of his fee authorized by the judge.

Journal Entry: The Board of Commissioners agreed to stay within adopted fee schedule for assigned counsel services for use by all the Courts within Portage County as indicated by Resolution No. 99-377, dated June 1, 1999.

The Board agreed to review the Resolution and fee schedule at a later date to make sure the fee structure is in line with other Counties.

Denise has provided an opinion regarding fringe benefits of uniforms for Water Resources employees, which the Board will see on Thursday. Several departments have uniforms provided by Portage County such as the County Engineer, Water Resources, and Solid Waste. The Water Resources Department field uniform consists of uniform Water Resources Department shirts and jeans which are provided by the same uniform company that provides the shirts. The value of the apparel is a taxable fringe benefit to the employee if it's apparel that can be worn as general apparel. If the uniform includes "good old fashion jeans" the value of the pants is taxable if taken off site. If they don't take them off site, Water Resources would have to provide a place for employees to change and pay them for the change time. If you say you can't take the uniform home, they are not to leave the work place, there is no tax consequence to the employee.

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REGIONAL PLANNING COMMISSION

Present: Todd Peetz

Review of the March 10, 2010 Agendas.

The Board of Commissioners signed a letter of support of the grant application to the Regional Planning Commission for the Farmers Market Promotion Program (U.S. Department of Agriculture) in order to create a Farmers' Market in downtown Ravenna, Ohio. This initiative would be beneficial to residents of the City and employees in the downtown business center of the City because it makes local produce easily accessible. It will be a community activity that will attract more people downtown, bolstering the customer base for other merchants. Farming is an important part of the local economy and a Farmers' Market affords the opportunity to merge the best aspects of both the urban and rural parts of Portage County.

At the end of the Regional Planning Commission meeting tomorrow, it will be public knowledge that Bob Harris has resigned with Friday being his last day. He will be going to Mahoning County Office of the Aging and help with their transportation planning. He's been with the Regional Planning Commission for 15 years. Eileen Stiffler was planning on coming back as a consultant but has agreed to return on a part time basis with 20 hours a week maximum.

Jim Manion attending to present the Master Proof of Loss for the insurance claim for property damage during the flood at the Portage County Administration Building on December 7, 2008 for Commissioner Keiper's signature as presented by CORSA. Attached to the Proof of Loss is a breakdown of the total expenses which reached \$317,992.37./Journal Entry

Vendor/Company	Damage/Repairs	Cost
CORSA	Claim Deductible	\$ 2,500.00
Otis Elevator	Water Damage to Elevators from Broken Pipe on 4 th Floor	\$ 64,358.55
Integrated PS	PCAB Camera Damage	\$ 1,438.87
Maintenance Dept & Misc Items	Ceiling Tiles & Labor Cleanup	\$ 1,827.56
		\$ 6,479.57
Ashton Sound	Phone Repairs	\$ 334.00

Servpro	Water Extraction/Cleanup	\$ 31,429.92
Taylor Construction	Phase I (Stairwells & 2 nd Floor)	\$ 75,000.00
	Phase II (Water Resources and 3 rd Floor)	\$ 58,611.61
	Phase III (Fraud Area/Building Department)	\$ 76,012.29
Total		\$ 317,992.37

Recessed: 11:12 AM
Reconvened: 11:15 AM

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NEIGHBORHOOD DEVELOPMENT

Present: JoAnn Townend, Dave Vaughan, Jim Shank, Mike Bogo, and Bob Paoloni

11:16 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 the purchase of property for public purposes. Also present: JoAnn Townend, Dave Vaughan Jim Shank, Mike Bogo, and Bob Paoloni. Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

11:50 AM Upon conclusion of the above referenced discussion, it was moved by **Maureen T. Frederick**, seconded by **Christopher Smeiles** that the Board of Commissioners moves out of executive session. Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

After exiting Executive Session, the Board of Commissioners took no action.

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Jim Shank presents correspondence for Board signature to the Office of Housing and Community Partnership and Commissioner Keiper’s signature requested on the RLF Loan Review Report Form for a proposed loan agreement to Nick Miller, Chadwick Miller and Lisa Miller for the purchase/renovation of a building and land located at 3512 Industry Rd., Rootstown, OH for Barrel Run Crossing Winery & Vineyard, Inc. as presented by Neighborhood Development Services. Documents reviewed by the Department of Budget & Financial Management with no exceptions noted./Journal Entry.

April 8, 2010 e-mail from Director Dave Vaughan regarding land trust./Clerk to schedule meeting.

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DEPARTMENT OF BUDGET AND FINANCIAL MANAGEMENT

Present: Audrey Tillis

RESOLUTIONS

1. General Fund Amendments to the Annual Appropriation Resolution:/10-0342
 - a. Commissioners Other, Transfer – Temp Transfer Cash Flow Grant and Unappropriated Cert Balance
 - b. Sheriff’s Department, Transfer - Temp Transfer Cash Flow Grant

2. Other Funds Amendments to the Annual Appropriation Resolution:/10-0343
 - a. Fund 1011, Comp Legal Research Juvenile Ct – Supplemental, Courtroom Sound
 - b. Fund 1107, Byrne Justice Grant (JAG) – Transfer, To Move Appropriation to Correct Expense Line
 - c. Fund 1330, Dog and Kennel – Supplemental, BOC Appr 3-2-10 JE #14 & 15
 - d. Fund 3142, SA PCW Bonds 2007 – Supplemental, Anticipated Expense
 - e. Fund 3215, SA PCS OWDA 2001 – Supplemental, Anticipated Expense
 - f. Fund 6800, Storm Water Management – Transfer, Projected Need
3. Create Fund 1020, Municipal Court Security/10-0344
4. Create Fund 1021, Common Pleas Court Security/10-0345
5. Cash Advance from Fund 0001, General Fund to Fund 1108, Sheriff Capital Acquisitions/10-0346
6. Transfer from Fund 5400, PCW General Administration to Fund 5506, PCW Brimfield Booster PS/10-0347
7. Annual Transfer from Fund 5200, PCS General Administration to PCS Revenue Bonds 1997-2007 Funds: 5210, 5211, 5212, 5213, 5214, and 5215/10-0348
8. Annual Transfer from Fund 5400, PCW General Administration to PCW Revenue Bonds 1994-2004 Funds: 5410, 5412, 5413, and 5414/10-0349
9. Annual Transfer from Fund 5600, Sts General Administration to Sts Revenue Bonds 1997-2001 Funds: 5610 and 5611/10-0350

Director Tillis indicated that the Nunc Pro Tunc Journal Entry for additional court costs for Special Project Funds (Discussion Item #2) is the Technology Fee the Common Pleas Court set up last year in order to take care of court updates. A portion of that fee is for Court security. The Muni Court has the debt service fee of \$20.00 and are pulling from that for Court security.

OTHER

10. Journal entry approval(s):
 - a. Juvenile Court – Contract Social Services

11. Discussion Items:
 - a. 1st Quarterly Review

UPDATES

12. Contingency Tracker
13. Nursing Home Cash Balances
14. Compensation Report by Payroll Location – (DBFM will hand out at meeting)
15. BOC Pending Requests
 - a. JJDC Cost Allocation (DBFM Director to Follow-up with BOC in April after furlough)
 - b. On Hold
 - i. BOC Approved 2/23/2010 Journal Entry #9 – Sheriff Cleaning Contract (budget Transfer pending final payment to contractor)
 - ii. Nursing Home Cash Advance – Resolution for BOC (In review)

- iii. 911 Fund Creation (On hold per Jon Barber)
- iv. Indirect Costs – Motor Vehicle & Gas Tax (in Appeals Court – CCAO won in lower court)
- v. Closing Fund 4003 – County Engineers Building (Agreement Completed – Plan J/E in April 2010)
- vi. Windham Day Care – (Still vacant)
- vii. Kent Regional Business Alliance Funding Request Received (Internal Services Working on Contract Agreement – Talked to State)
- viii. DD Indirect Costs – (Dr. Macke waiting on 2nd response from Prosecutor’s Office – At this point contribution not allowed)
- ix. Update on General Fund Supplemental Request Supported by Revenues
- x. Building Security – Required Court House Metal Detector Replacement Funding (Waiting for response from Courts)
- xi. Cash advance to Fund 4212 (DBFM will process as needed)

16. Work Session Agenda

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RESOLUTION No. 10-0338 - 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 April 13, 2010 in the total payment amount of **\$373,899.35 for Funds 0001-8105** 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; Christopher Smeiles, Yea; Maureen T. Frederick, Yea;

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RESOLUTION No. 10-0339 - 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:

04/13/10	346	\$ 1,845.00
04/13/10	345	181.15
04/13/10	372	908.61
Total		\$ 2,934.76

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

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RESOLUTION No. 10-0340 - 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 **\$11,086.97** as set forth in Exhibit “A” dated **April 13, 2010** 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; Christopher Smeiles, Yea; Maureen T. Frederick, Yea;

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RESOLUTION No. 10-0341 - RE: AGREEMENT FOR SANITARY SEWER IMPROVEMENTS FOR THE SR 43 – NEW BEGINNING FELLOWSHIP CHURCH SEWER PROJECT, PORTAGE COUNTY WATER RESOURCES DEPARTMENT PROJECT NO. .

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

WHEREAS, New Beginning Fellowship Church, (OWNER) has constructed a 3 inch sanitary sewer force main with all necessary appurtenances (SANITARY SEWER) for the New Beginning Fellowship Church located at 4567 State Route 43 in Brimfield Township Lot 23, Portage County, Ohio (Portage County Water Resources Project Number BR-2 08-270); and

WHEREAS, Roberts General Excavation has acknowledged being paid in full for the construction of the SANITARY SEWER; and

WHEREAS, the OWNER now wishes to convey the SEWER as a gift to Portage County to own, maintain, and operate, now therefore be it

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

Section 1. That the COMMISSIONERS agree to enter into an Agreement with the OWNER who has constructed the SANITARY SEWER that provides sanitary sewer service to the New Beginning Fellowship Church located at 4567 State Route 43 in Brimfield Township Lot 23, Portage County, Ohio.

Section 2. That after the COMMISSIONERS sign the letter of acceptance (as prepared by the Director of the Portage County Water Resources Department) the COMMISSIONERS will accept the SANITARY SEWER to own, maintain, and operate.

Section 3. That the COMMISSIONERS find and determine that all formal actions at this meeting concerning and relating to the adoption of this resolution were taken in an open meeting by the COMMISSIONERS and that all deliberations of the COMMISSIONERS that resulted in those formal actions were in a meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Voice Vote as Follows:

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

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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 2010 Annual Appropriation in the amounts and for the purposes set forth in the enumeration shown below:

		<u>Increase</u>	<u>Decrease</u>
Fund: 0001	General Fund		
	010 Commissioners Other		
00107	Commissioner Other OE	1	0
00109	Commissioner Other ME	200,000	0
MEMO TOTAL		<u><u>\$ 200,001</u></u>	<u><u>\$ -</u></u>

Note: Temp Transfer Cash Flow Grant Unappropriated Cert Balance

	700 Sheriff's Department		
07004	Sheriff-General Admin CS	0	200,000
MEMO TOTAL		<u><u>\$ -</u></u>	<u><u>\$ 200,000</u></u>

Note: Temp Transfer Cash Flow Grant

TOTAL MEMO BALANCE ALL AMENDMENTS		<u><u>\$ 200,001</u></u>	<u><u>\$ 200,000</u></u>
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; and be it further

RESOLVED, that the notes of explanation in this 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; and be it further

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;

Christopher Smeiles, Yea;

Maureen T. Frederick, Yea;

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RESOLUTION No. 10-0343

RE: AMENDMENT TO THE NON GENERAL FUND 2010
ANNUAL APPROPRIATION RESOLUTION NO. 09-1170
ADOPTED DECEMBER 17, 2009.

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 2010 Annual Appropriation in the amounts and for the purposes set forth in the enumeration shown below:

		<u>Increase</u>	<u>Decrease</u>
Fund:	1011		
	Comp Legal Research Juvenil Ct		
	570		
	Juvenile Court		
	10115	3,700	0
	Comp Lgl Research Juvenil MS		
	MEMO TOTAL	<u><u>\$ 3,700</u></u>	<u><u>\$ -</u></u>

Note: COURTROOM SOUND

Fund:	1107		
	Byrne Justice Grant (JAG)		
	700		
	Sheriff's Department		
	11075	0	4,000
	Byrne Justice Grant (JAG) MS		
	11076	4,000	0
	Byrne Justice Grant (JAG) CO		
	MEMO TOTAL	<u><u>\$ 4,000</u></u>	<u><u>\$ 4,000</u></u>

Note: To Move Appropriation to the Correct Expense Line

Fund:	1330		
	Dog And Kennel		
	045		
	Dog And Kennel		
	13303	3,193	0
	Dog Kennel-Warden Fringes		
	1330E	29,341	0
	Dog Kennel - Warden Part Time		
	1330M	0	2,000
	Dog Kennel - Warden Overtime		
	MEMO TOTAL	<u><u>\$ 32,534</u></u>	<u><u>\$ 2,000</u></u>

Note: BOC Appr 3-2-10 JE#14 &15

Fund:	3142		
	SA PCW Bonds 2007		
	010		
	Commissioners Other		
	31428	100	0
	SA PCW Bonds 2007 DE		
	MEMO TOTAL	<u><u>\$ 100</u></u>	<u><u>\$ -</u></u>

Note: ANTICIPATED EXPENSE

		<u>Increase</u>	<u>Decrease</u>
Fund:	3215 SA PCS OWDA 2001		
	010 Commissioners Other		
	32158 SA PCS OWDA 2001 DS	100	0
	MEMO TOTAL	<u>\$ 100</u>	<u>\$ -</u>

Note: ANTICIPATED EXPENSE

Fund:	6800 Storm Water Management		
	800 Engineer's Department		
	68003 Storm Water Mgmt Fringes	57	0
	68004 Storm Water Mgmt CS	0	57
	MEMO TOTAL	<u>\$ 57</u>	<u>\$ 57</u>

Note: Projected Need

TOTAL MEMO BALANCE FOR ALL FUNDS	<u>\$ 40,491</u>	<u>\$ 6,057</u>
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; and be it further

RESOLVED, that the notes of explanation in this 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; and be it further

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;

Christopher Smeiles, Yea;

Maureen T. Frederick, Yea;

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RESOLUTION No. 10-0344 - RE: CREATE FUND 1020, MUNICIPAL COURT SECURITY

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

WHEREAS in accordance with Ohio Revised Code Section 1901.26 (B) (1) the portage County Municipal Court, on its own motion, finds that for the efficient operation of the Court, additional funds are necessary to implement this Court’s duly enacted Court Security Policy, and

WHEREAS, in order to properly control the processing of financial related transactions related to the Court Security Policy, it has become necessary to create a new fund; now therefore be it

RESOLVED, that Fund 1020, Municipal Court Security Fund be created, in accordance with Ohio Revised Code Section 1901.26 (B) (1) and be it further

RESOLVED, that a certified copy of this resolution be filed with the County Auditor, the Portage County Municipal Court, the Clerk of Courts and the Department of Budget and Financial Management, and be it further

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

Voice vote as follows:

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

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RESOLUTION No. 10-0345 - RE: CREATE FUND 1021, COMMON PLEAS COURT SECURITY

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

WHEREAS pursuant to Ohio Revised Code section 2303.201 (E), the Portage County Common Pleas Court, on its own motion, finds that for the efficient operation of the Court, additional funds are necessary to implement this Court’s duly enacted Court Security Policy, and

WHEREAS, in order to properly control the processing of financial related transactions related to the Court Security Policy, it has become necessary to create a new fund; now therefore be it

RESOLVED, that Fund 1021, Common Pleas Court Security be created in accordance with Ohio Revised Code section 2303.201 (E), and be it further

RESOLVED, that a certified copy of this resolution be filed with the County Auditor, the Portage County Common Pleas Court, the Clerk of Courts and the Department of Budget and Financial Management, and be it further

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

Voice vote as follows:

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

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RESOLUTION No. 10-0346 - RE: CASH ADVANCE - FROM FUND 0001, GENERAL FUND TO FUND 1108, SHERIFF CAPITAL ACQUISITIONS

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

WHEREAS, Fund 1108 is in need of interim cash until grant revenues are received; now therefore be it

RESOLVED, that the following cash advance be made in the amount of \$ 202,500.00:

FROM:
FUND 0001, GENERAL FUND
ORGCODE- 00100009
Debit Expense Account
Object 920000 - Advances-Out \$ 202,500.00

TO:
FUND 1108, SHERIFF CAPITAL ACQUISITIONS
ORGCODE - 11087002
Credit Revenue Account
Revenue Source 290000 - Advances-In \$ 202,500.00

and be it further

RESOLVED, that the cash advance will be repaid when grant revenues are received; and be it further

RESOLVED, that the County Auditor is hereby requested to make said cash advance by Journal Entry, and that a certified copy of this resolution be filed with the County Auditor, the Portage County Sheriff and the 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.

Roll call vote as follows:

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

* * * * *
RESOLUTION No. 10-0347 - RE: TRANSFER FROM FUND 5400, PCW GENERAL ADMINISTRATION TO FUND 5506, PCW BRIMFIELD BOOSTER PS

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

WHEREAS, the Brimfield Booster Pump Station Construction Project has been completed and,

WHEREAS, the Project costs are being paid by utilizing funds from Fund 5400, Portage County Water; now therefore be it

RESOLVED, that the following transfer of funds in the amount of \$482,126.08 be made as follows:

FROM:
FUND 5400 PCW GENERAL ADMINISTRATION
ORG CODE - 54004009
Debit Expense Account
Object 910000 - TRANSFERS OUT \$ 482,126.08

TO:
FUND 5506, PCW BRIMFIELD BOOSTER PS
ORG CODE - 55060602
Project Code - 00075
Credit Revenue Account

Revenue Source 280000 - TRANSFERS IN \$ 482,126.08

and be it further

RESOLVED, that the County Auditor is hereby requested to make said transfer by Journal Entry, and that a certified copy of this resolution be filed with the County Auditor, the Department of Budget and Financial Management and the Water Resources Department, and be it further

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

Roll call vote as follows:

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

* * * * *
RESOLUTION No. 10-0348 - RE: ANNUAL TRANSFER - FROM FUND 5200, PCS GENERAL ADMINISTRATION TO FUNDS:
5210, PCS REVENUE BONDS 1997
5211, PCS REVENUE BONDS 2001
5212, PCS REVENUE BONDS 2001 SUMMIT
5213, PCS REVENUE BONDS 2004
5214, PCS REVENUE BONDS 2007
5215, PCS REVENUE BONDS 2007 USDA

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

WHEREAS, in order to meet our bond retirement obligations, due on June 1, 2010 and January 1, 2011, it is necessary to transfer funds in the amount of \$ 948,875.17 to Funds 5210, 5211, 5212, 5213, 5214 and 5215; now therefore be it

RESOLVED, that the following transfer of funds in the amount of \$ 948,875.17 be made as follows:

FROM:
FUND 5200 PCS GENERAL ADMINISTRATION
ORG CODE- 52004009
Debit Expense Account
Object 910000- TRANSFER OUT \$ 948,875.17

TO:

FUND 5210, PCS REVENUE BONDS 1997

ORG CODE- 52100602

Credit Revenue Account

Revenue Source 280000 TRANSFER IN \$ 100,204.30

FUND 5211, PCS REVENUE BONDS 2001

ORG CODE - 52110602

Credit Revenue Account

Revenue Source 280000 TRANSFER IN \$ 111,828.12

FUND 5212, PCS REVENUE BONDS 2001 SUMMIT

ORG CODE - 52120602

Credit Revenue Account

Revenue Source 280000 TRANSFER IN \$ 191,144.81

FUND 5213, PCS REVENUE BONDS 2004

ORG CODE - 52130602

Credit Revenue Account

Revenue Source 280000 TRANSFER IN \$ 97,631.26

FUND 5214, PCS REVENUE BONDS 2007

ORG CODE -52140602

Credit Revenue Account

Revenue Source 280000 TRANSFER IN \$ 324,284.93

FUND 5215, PCS REVENUE BONDS 2007 USDA

ORG CODE – 52150602

Credit Revenue Account

Revenue Source 280000 TRANSFER IN \$ 123,781.75

TOTAL TRANSFER IN

\$ 948,875.17

and be it further

RESOLVED,

that the County Auditor is hereby requested to make said transfer by Journal Entry, and that a certified copy of this resolution be filed with the County Auditor, the Department of Budget and Financial Management and the Water Resources Department, and be it further

RESOLVED,

that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an

open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll call vote as follows:

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

* * * * *
RESOLUTION No. 10-0349 - RE: ANNUAL TRANSFER - FROM FUND 5400, PCW GENERAL ADMINISTRATION TO FUNDS:
5410, PCW REVENUE BONDS 1997
5412, PCW REVENUE BONDS 94REF104
5413, PCW REVENUE BONDS 2001
5414, PCW REVENUE BONDS 2004

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

WHEREAS, in order to meet our bond retirement obligations, due on June 1, 2010 and January 1, 2011, it is necessary to transfer funds in the amount of \$ 813,440.30 to Funds 5410, 5412, 5413, and 5414; now therefore be it

RESOLVED, that the following transfer of funds in the amount of \$ 813,440.30 be made as follows:

FROM:
FUND 5400, PCW GENERAL ADMINISTRATION
ORG CODE - 54004009
Debit Expense Account
Object 910000- TRANSFER OUT \$ 813,440.30

TO:
FUND 5410, PCW REVENUE BONDS 1997
ORG CODE - 54100602
Credit Revenue Account
Revenue Source 280000 TRANSFER IN \$ 227,585.50

FUND 5412, PCW REVENUE BONDS 94REF104
ORG CODE - 54120602
Credit Revenue Account
Revenue Source 280000 TRANSFERS IN \$ 403,375.78

FUND 5413, PCW REVENUE BONDS 2001
ORG CODE - 54130602
Credit Revenue Account
Revenue Source 280000 TRANSFER IN \$ 56,570.26

FUND 5414, PCW REVENUE BONDS 2004
ORG CODE - 54140602
Credit Revenue Account
Revenue Source 280000 TRANSFER IN \$ 125,908.76

TOTAL TRANSFER IN \$ 813,440.30

and be it further

RESOLVED, that the County Auditor is hereby requested to make said transfer by Journal Entry, and that a certified copy of this resolution be filed with the County Auditor, the Department of Budget and Financial Management and the Water Resources Department, and be it further

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

Roll call vote as follows:

Charles W. Keiper II, Yea;

Christopher Smeiles, Yea;

Maureen T. Frederick, Yea;

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RESOLUTION No. 10-0350

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**RE: ANNUAL TRANSFER - FROM FUND 5600, STS GENERAL
ADMINISTRATION TO FUNDS:
5610, STS REVENUE BONDS 1997
5611, STS REVENUE BONDS 2001**

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

WHEREAS, in order to meet our bond retirement obligations, due on June 1, 2010 and January 1, 2011, it is necessary to transfer funds in the amount of \$ 65,452.20 to Funds 5610 and 5611; now therefore be it

RESOLVED, that the following transfer of funds in the amount of \$ 65,452.20 be made as follows:

FROM:

FUND 5600, STS GENERAL ADMINISTRATION

ORG CODE - 56004009

Debit Expense Account

Object 910000 - TRANSFER OUT \$ 65,452.20

TO:

FUND 5610, STS REVENUE BONDS 1997

ORG CODE - 56100602

Credit Revenue Account

Revenue Source 280000 TRANSFER IN \$ 51,718.20

FUND 5611, STS REVENUE BONDS 2001

ORG CODE - 56110602

Credit Revenue Account

Revenue Source 280000 TRANSFER IN \$ 13,734.00

TOTAL TRANSFER IN \$ 65,452.20

and be it further

RESOLVED,

that the County Auditor is hereby requested to make said transfer by Journal Entry, and that a certified copy of this resolution be filed with the County Auditor, the Department of Budget and Financial Management and the Water Resources Department, and be it further

RESOLVED,

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

Roll call vote as follows:

Charles W. Keiper II, Yea;

Christopher Smeiles, Yea;

Maureen T. Frederick, Yea;

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RESOLUTIONS

April 13, 2010

1. Approval of Meeting Minutes from the April 8, 2010 regular Board Meeting as presented.
2. Approve the Bills as presented by the County Auditor and reviewed by the Department of Budget & Financial Management./10-0338

3. Approve the Journal Vouchers as presented by the County Auditor./10-0339
4. Approve Then & Now as presented by the County Auditor./10-0340
5. Agreement for sanitary sewer improvements for the SR 43 New Beginning Fellowship Church sewer project, Portage county Water Resources Department Project No. BR-2 (08-270)/10-0341

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INVITATIONS/MEETING NOTICES

April 13, 2010

1. Invitation from Ohio Attorney General Richard Cordray, for the Conference on Victim Assistance Monday-Tuesday, May 24-25, 2010, Hyatt Regency, Columbus, 7:30 AM.
2. Invitation from the International Trade Assistance Center for the NAFTA Compliance Workshop on Wednesday, May 26, 2010, 8:30 AM-4:30 PM, Embassy Suites Cleveland, Rockside.
3. Invitation from CCAO for free Educational Sessions throughout 2010.
4. Invitation from the American Heart Association for the 2010 Start! Heart Walk on Wednesday, April 21, 2010, 8:00 AM-9:00 AM, Portage Country Club.
5. The Kent Area Chamber of Commerce presents a listing of upcoming events during April 2010.
6. Invitation for a Court of Honor for Zachary Horovitz on Sunday, April 25, 2010, 4:00 PM at the faith United Methodist Church, Brimfield.

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INCOMING CORRESPONDENCE

DISCUSSION

April 13, 2010

1. March 23, 2010 correspondence from Roger Monroe, Monroe’s Orchard & Farm Market, LLC, regarding damages to his electric service at 6253 Pioneer Trail. Also included is an e-mail from Safety Loss Control officer Michelle Ripley./Hold until April 15, 2010.
2. The Board of Commissioners received a Nunc Pro Tunc Journal Entry regarding additional court costs for Special Projects Fund for Case No. 2008 MS 00096 as presented by the Portage County Common Pleas Court. (cc: Prosecutor’s Office)./Refer to Department of Budget & Financial Management for review and comment.
3. April 8, 2010 e-mail from Dave Vaughan, Neighborhood Development Services, regarding land trust. Does the Board wish to have NDS provide a briefing?/Clerk to schedule.

4. April 8, 2010 e-mail from Anita Herington, Job and Family Services, regarding the WIB Area 19 appointments./Forward to Executive Assistant.
5. April 8, 2010 e-mail from Jim Manion, General Services to Kelly Engelhart, Health Department and Tim Miller, Maintenance, regarding heat in Health Clinic and WIC space./No Action.

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JOURNAL ENTRY

April 13, 2010

1. Board of Commissioners' signature requested on the purchase requisition for the City of Ravenna for the Housing Development Activity for \$180,000.00 as requested by the Regional Planning Commission. The B-Z-08-062-1 Neighborhood Stabilization Program Grant Housing Development activity is funding this expense./Duplication – current contract already in place so Journal Entry not needed per Department of Budget & Financial Management.
2. Board of Commissioners' signature requested on the purchase requisition for the City of Ravenna for the Land Banking/Demolition Activity for \$135,000.00 as requested by the Regional Planning Commission. The B-Z-08-062-1 Neighborhood Stabilization Program Grant Land Banking/Demolition is funding this expense./Duplication - current contract already in place so Journal Entry not needed per Department of Budget & Financial Management.
3. Board of Commissioners' authorization requested to utilize MS Consultants to perform inspections for the two (2) additional Windham elevated water storage towers, located on East Center Street and on Horn Road, with the costs being authorized out of the unused remaining balance in Agreement No. 20080193 not to exceed \$17,091.00. MS Consultants is to further coordinate the inspection with the Village of Windham and provide the completed report no later than September 2010 as requested by the Water Resources Department./Journal Entry

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REFERRED

April 13, 2010

1. April 8, 2010 e-mail from Doug Harsany, Housing and Community Partnerships Office, regarding costs associated with client complaints. Referred to Department of Budget and Financial Management and Grants Administrator.
2. March 21, 2010 correspondence from Mark Bergman, Scoutmaster Troop #259, regarding a Court of Honor for Zachary Horovitz. Referred to Executive Assistant.

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PLEASE ADD TO YOUR AGENDA

April 13, 2010

1. Board of Commissioners' signature requested on correspondence to the Office of Housing and Community Partnership and Commissioner Keiper's signature requested on the RLF Loan Review Report Form for a proposed loan agreement to Nick Miller, Chadwick Miller and Lisa Miller for the purchase/renovation of a building and land located at 3512 Industry Rd., Rootstown, OH for Barrel Run Crossing Winery & Vineyard, Inc. as presented by Neighborhood Development Services.

Documents reviewed by the Department of Budget & Financial Management with no exceptions noted./Journal Entry.

2. April 9, 2010 e-mail from William Ulik, Economic Development, indicating the Regional Planning Commission has asked for a letter of support from Economic Development for a Farmers Market grant application for the City of Ravenna. Does the Board have any objection to Economic Development providing such a letter?/Board of Commissioners will send the letter. Journal Entry

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INFORMATION ONLY

April 13, 2010

1. The Board of Commissioners received the Request for Nominations for the 2010 Paul H. Chapman Awards. Nominations must be received by June 1, 2010.
2. April 8, 2010 e-mail from Jim Manion, General Services, regarding the door replacement at the Riddle Block.
3. April 8, 2010 e-mail from NACO, thanking the Board for renewing its membership (paid January 2010).
4. April 8, 2010 e-mail from Brian Kelly, ITS, indicating he will attend the Connect Ohio meeting on Tuesday, April 13, 2010.
5. April 8, 2010 e-mail from Michelle Ripley, Safety/Loss Control, regarding insurance for the Airport Authority. (Airport Authority to make request directly to the Board after the April 14, 2010 Board meeting).
6. The Board of Commissioners received the April 9, 2010 Weekly Traffic Advisory as presented by Ohio Department of Transportation.

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PROSECUTOR'S CORRESPONDENCE

April 13, 2010

1. April 8, 2010 e-mail from Leigh Prugh, regarding legal fee applications. – Please see above.

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Journal Entry

April 13, 2010

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

1. The Board of Commissioners authorized the Water Resources Department to utilize MS Consultants to perform inspections for the two (2) additional Windham elevated water storage towers, located on East Center Street and on Horn Road, with the costs being authorized out of the unused remaining balance in Agreement No. 20080193 not to exceed \$17,091.00. MS Consultants is to further coordinate the inspection with the Village of Windham and provide the completed report no later than September 2010 as requested by Director Harold Huff, Water Resources Department.

2. The Board of Commissioners signed a letter of support for the grant application to the Regional Planning Commission Director Todd Peetz, for the Farmers Market Promotion Program (U.S. Department of Agriculture) in order to create a Farmers' Market in downtown Ravenna, Ohio as presented by Director William Ulik, Economic Development.
3. The Board of Commissioners signed correspondence to the Office of Housing and Community Partnership and Commissioner Keiper signed the RLF Loan Review Report Form for a proposed loan agreement to Nick Miller, Chadwick Miller and Lisa Miller for the purchase/renovation of a building and land located at 3512 Industry Rd., Rootstown, OH for Barrel Run Crossing Winery & Vineyard, Inc. as presented by Neighborhood Development Services. Documents reviewed by the Department of Budget & Financial Management with no exceptions noted.
4. After consultation and discussion with Attorney Denise Smith, Portage County Prosecutor's Office, the Board of Commissioners agreed to stay within the adopted fee schedule for assigned counsel services for use by all the Courts within Portage County as adopted by Resolution No. 99-377, dated June 1, 1999.
5. At today's meeting, the Board of Commissioners accepts the resignation of Gary Mitrisin, and accepts Barbara Fleischmann, through her employer, Generations HealthCare Inc. as the Nursing Home Administrator for The Woodlands At Robinson.
6. The Board of Commissioners authorized the supplemental budget increase of \$19,539.00 from the General Fund into the Juvenile Court's Contract Social Services line as presented by Department of Budget & Financial Management.
7. The Board of Commissioners authorized Charles W. Keiper II President of the Board, to sign the Master Proof Of Loss for the insurance claim for property damage during the flood at the Portage County Administration Building on December 7, 2008 as submitted by CORSA and presented by Director James Manion, General Services.

All in favor, motion carries.

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We do hereby certify that the foregoing is a true and correct record of the Portage County Board of Commissioners' meeting on **April 13, 2010**. 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 **12:10 PM**. All in favor, motion carries.

Charles W. Keiper II, President

Maureen T. Frederick, Board Member

Christopher Smeiles, Vice President

Amy Hutchinson, Acting Clerk

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