

**Tuesday, June 15, 2010**

The Board of County Commissioners met in regular session on **Tuesday, June 15, 2010 at 9:28 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 June 10, 2010 meeting. All in favor, motion carries

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Also attending throughout the day: Matt Fredmonsky, Record-Courier

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**THE WOODLANDS AT ROBINSON**

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

Ms. Fleischmann indicated The Woodlands has planned a Special Event on July 11<sup>th</sup> and it is themed a "1950's Day" from 2:00-4:00 PM at The Woodlands. There is also a large picnic scheduled for residents this Friday for lunch. Mr. Coury explained that since the weather is nicer, they are trying to do more outdoor activities with the residents.

Ms. Fleischmann said current occupancy is 69 with 4 of those in the hospital and she continues to do marketing for the facility. Mr. Coury adds that for the past three to four weeks, capacity has been above 70.

Ms. Fleischmann explained that The Woodlands has an MOU with Akron General. Yesterday, Akron General compiled a list of recommended facilities in Portage County and along with two others, The Woodlands made the list.

Commissioner Smeiles asked of current residents, where is the majority of income coming from? Mr. Coury indicated the greater percentage of dollars comes from Medicare and managed care (paid for by insurance), over the longer term Medicaid. He further stated that the majority of residents receiving rehab services are Medicare or managed care. The Medicaid individuals receiving therapy are receiving it through Medicare Part B which is a much less significant dollar amount, but therapy is still an important function at The Woodlands. Commissioner Smeiles indicated since the census is light, we could increase profit through physical therapy and rehab which may offset costs. Mr. Coury stated rehab helps sustain current revenues.

Commissioner Smeiles asked if The Woodlands is complying with the Auditor's office e-mail requesting copies of all outstanding invoices for 2009. Mr. Coury indicated The Woodlands received the e-mail and the office complied within an hour of receipt. The Board was copied on the e-mail response and was pleased with the turnaround time.

Commissioner Frederick briefly discussed the issue of outstanding cases. Prosecutor Smith indicated to her that Attorney David Brode would be the contact on this issue. Ms. Fleischmann and Mr. Coury both

indicated they have been in touch with Attorney Brode. Mr. Coury stated he would like to investigate the possibility of using a Collection Agency for outstanding charges. The Board recommended he talk with Treasurer Steve Shanafelt and Clerk of Courts Linda Fankhauser, who've both used collection agencies in the past.

The Commissioners directed Ms. Fleishmann to draft a letter and the Board will forward through the Prosecutor's office. In the meantime, Mr. Coury will investigate collection agencies and return with a recommendation.

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**PROSECUTOR**

Present: Denise Smith

Ms. Smith indicated the administrative review letter for WIA has been completed and will be sent interoffice.

Review of Prosecutor's Pending List.  
No updates provided.

Prosecutor's Correspondence

1. June 8, 2010 confidential correspondence from Leigh Prugh, regarding Inmate Services at the Portage County Justice Center.

Commissioner Keiper spoke with Robinson Memorial Hospital CEO Stephen Colecchi regarding a Justice Center issue. Mr. Colecchi will be drafting correspondence to the Board regarding this issue.

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9:59 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 conference with an attorney for imminent litigation. **Also present:** Denise Smith. Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

10:32 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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The Board received an e-mail from Dawn Pechman, regarding the Ohio Department of Job & Family Services Appeals/Administrative review. Does the Board wish to respond? The Board referred the correspondence to Denise Smith.

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Recessed: 10:40 AM  
Reconvened: 10:43 AM

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**DEPARTMENT OF BUDGET & FINANCIAL INFORMATION**

Present: Audrey Tillis

RESOLUTIONS

- 1. Create Fund – WC Retro Rating Plan 2010 (DBFM will walk-in)/10-0557

OTHER

- 2. Journal entry approval(s):
  - a. Processing Payment of Invoice for Prosecutor’s Grants/Journal Entry
  - b. Processing Local Match – Marine Patrol Grant Program/Journal Entry

UPDATES

- 3. BOC Pending Requests
  - a. 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 (On Hold)
    - iii. Indirect Cost Allocation - Public Defender (Hold until 3rd Quarter)
    - iv. Indirect Costs – Motor Vehicle & Gas Tax (in Appeals Court – CCAO won in lower court)
    - v. Kent Regional Business Alliance Funding Request Received (In Process – Internal Service Waiting on Additional Information)
    - vi. Cash advance to Fund 4212 (DBFM will process as needed)
    - vii. JJDC Cost Allocation (Part of Cost Allocation Review)

SPECIAL SESSIONS

- 4. Work Session Agenda

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Recessed: 10:55 AM  
Reconvened: 11:03 AM

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**COUNTY AUDITOR & COUNTY TREASURER**

Present: Janet Esposito, Chris Malin, Rebecca Ritterbeck, Charlene Badger

Commissioner Smeiles explained that today’s meeting is simply to request the State rescind the award for audit services from Ciuni and Panichi (C&P) to James G. Zupka for the 2009-2013 Portage County Audits.

Commissioner Smeiles talked with the Chief Deputy Auditor Robert Hinkle who indicated the request would need to be submitted in writing, signed by the Commissioners, the County Auditor and County Treasurer. Auditor Esposito indicated that Mr. Hinkle did not indicate her signature was necessary, only that the Board’s signature was required. Commissioner Smeiles said Mr. Hinkle did say the County Auditor’s signature needed to be on the request, as well. Auditor Esposito disagreed. She indicated she

spoke to Mr. Hinkle Thursday and Friday. Auditor Esposito indicated she has spoken to Mr. Hinkle and said she didn't have a preference on who does the County audits - she rated each company as she was requested to do. Auditor Esposito further stated that the Board has every right to send the correspondence and she doesn't have a problem with that, or Zupka, but indicated that Mr. Hinkle told Commissioner Smeiles to send a letter from the Commissioners and not having her signature on the letter wouldn't be an issue. She agrees that the Board should ask to have the State reconsider Zupka. Commissioner Smeiles indicated that's what the letter says and he is just repeating what Mr. Hinkle told him to do. Auditor Esposito commented that Mr. Hinkle verbally know how she feels and Commissioner Smeiles indicated he wanted that in writing, but Auditor Esposito said it's not to come from her. Commissioner Smeiles indicated that if Auditor Esposito chooses not to sign the correspondence, it's her call. Auditor Esposito reiterated that Mr. Hinkle already knows how she feels but as a matter of record, in the single audit - the RFP - Zupka has allocated 180 hours. The other firm allocated twice that amount. If there's a change on what they bid on, there will be additional costs to the County, just like the previous three audits, all went over the contract amount.

The other important issue Auditor Esposito mentioned is that GASBE 54 should have been in the proposal. It is very extensive and not listed in Zupka's audit. Otherwise, she does not have a problem with Zupka. The issue is the rating - the Auditor's office rated the firms and the rating was sent to Youngstown. Youngstown rated and returned it to Portage County.

Commissioner Keiper indicated the Board should have had a voice in the rating, but Auditor Esposito said she didn't know how the Board could have rated the firms because the Board has nothing to do with financials. She further explained the Board was provided the letters and all the information. Commissioner Keiper disagreed and Commissioner Smeiles said that we do have the document now as provided by Auditor Esposito. Ms. Esposito reiterated that it was not her bid. Commissioner Keiper said that the Board asked to have the opportunity to provide a voice in the selection process and were denied. Auditor Esposito said the State Auditor did the request for proposal and the State Auditor should have included the Board. Commissioner Keiper said that she did the review without the Board and provided a Portage County opinion which excluded the Board. County Auditor indicated that she was requested to complete the document and brought up all the letters to show they were addressed to the Fiscal Officer. (County Auditor Esposito handed out a copy entitled #2 Inquiries and #3 Submission of Proposals, a single page document marked Exhibit A).

Commissioner Keiper indicated the Board will make the request and try to save the County money. Auditor Esposito said she wasn't against saving money and wants the Board to fax the letter right now to Mr. Hinkle. Commissioner Smeiles decided to call Mr. Hinkle during the meeting, but received his voicemail instead. Auditor Esposito said that the Board should have asked her for the proposals and she would have provided copies.

Commissioner Smeiles reiterated this letter simply asks the State of Ohio Auditor of State to award the contract to the low bidder and qualified firm of James G. Zupka for audit services for Portage County from 2009-2013. Auditor Esposito is sure they will reconsider.

11:15 AM Treasurer Shanafelt attending after session had adjourned to sign the correspondence to Mr. Hinkle.



**RESOLVED,**

that the Board of Commissioners approves the following Journal Vouchers/Entries as presented by the County Auditor's Office:

06/14/10	535	\$ 10,171.85
06/14/10	544	829.88
06/14/10	541	280.00
06/14/10	512	321.63
06/14/10	511	10,080.39
06/14/10	506	28,557.79
06/11/10	505	3,284.30
06/11/10	504	6,291.30
06/11/10	503	8,396.96
06/11/10	502	87,496.84
06/11/10	501	115,972.54
06/11/10	499	7,360.63
06/11/10	498	14,293.48
Total		\$ 293,337.59

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. 10-0551**

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**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 **\$10,883.70** as set forth in Exhibit “A” dated **June 15, 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. 10-0552 - RE: PORTAGE COUNTY APPOINTMENTS TO THE GEUGA-ASHTABULA-PORTAGE PARTNERSHIP WORKFORCE INVESTMENT BOARD (GAPP WIB).**

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

**WHEREAS,** the Portage County Board of Commissioners, in collaboration with the Boards of Commissioners from Geauga County and Ashtabula County, created a three county Regional Workforce Investment Area and Workforce Investment Board, in conjunction with the Federal Workforce Act of 1998, called the GAPP WIB; now therefore be it

**RESOLVED,** that the Portage County Board of Commissioners appoints the following to the Geauga-Ashtabula-Portage Partnership Workforce Investment Board (GAPP WIB) for a three - year term effective July 1, 2010 and ending on June 30, 2013:

Category	Name	Agency/Business
Community Action Council	David Shea	Community Action Council of Portage County, Inc. P.O. Box 917

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		1036 West Main Street Ravenna OH 44266 330-297-1456 ext. 224
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;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. 10-0553** - **RE: APPROVING THE PLANS, SPECIFICATIONS AND ESTIMATE OF COST, AND SETTING THE DATE AND TIME FOR ACCEPTANCE OF BIDS FOR THE CONSTRUCTION OF PROJECT NO. FR-2 (10-020), TWIN LAKES BLOWER BUILDING ROOF REPLACEMENT, IN THE PORTAGE COUNTY REGIONAL SEWER DISTRICT, FRANKLIN TOWNSHIP.**

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

**WHEREAS,** this Board by Resolution No. 74-78, adopted April 11, 1974, established Portage County Regional Sewer District, hereinafter called the “SEWER DISTRICT”; and

**WHEREAS,** pursuant to authorization by the Board contained in Resolution 10-0055 adopted January 19, 2010, the Water Resources Department has caused to be prepared and submitted for approval plans, specifications and estimate of cost for Project No. FR-2 (10-020), Twin Lakes Blower Building Roof Replacement, hereinafter referred to as the “PROJECT” and copies of said plans, specifications and estimate of cost are on file in the office of the Clerk and Water Resources Department and are available for examination therein; and

**WHEREAS,** the PROJECT is necessary to replace the existing flat roof prone to water leakage issues and reconstruct the roof to prevent standing water; now therefore be it

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

Section 1. That said plans, specifications and estimate of cost for said PROJECT hereto be and the same are hereby approved.

Section 2. That said plans, specifications and estimate of cost shall be filed in the office of the Clerk of this Board and in the office of the Water Resources Department and kept continuously on file for inspection by all persons interested therein.

Section 3. That sealed bids for the construction of the PROJECT will be accepted by the Portage County Commissioners until 3:00 PM on July 14, 2010, at their office on the seventh floor of the County Administration Building, 449 South Meridian Street, Ravenna, Ohio.

Section 4. That the Notice of receiving bids shall be posted in the Record Courier on June 21 and 28, 2010 and the Clerk of this Board is directed to post said Notice on the official bulletin board in the office of the County Commissioners. This advertisement for bids can also be found on Portage County's website at: [www.co.portage.oh.us](http://www.co.portage.oh.us) under county bid notices.

Section 5. 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;

Christopher Smeiles, Yea;

Maureen T. Frederick, Yea;

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**RESOLUTION No. 10-0554**

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**RE:**

**ACCEPT AND APPROVE A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE PORTAGE COUNTY BOARD OF COMMISSIONERS FOR THE WOODLANDS AT ROBINSON AND AFSCME OHIO COUNCIL 8 AND LOCAL 3630.**

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

**RESOLVED,**

that the Board of Portage County Commissioners does hereby accept and approve the Collective Bargaining Agreement between the Portage County Board of Commissioners for The Woodlands at Robinson and AFSCME Ohio Council 8 and Local 3630, as negotiated and accepted by vote of the Bargaining Unit; and be it further

**RESOLVED,** that this agreement is in effect from July 1, 2010 and shall continue in full force and effect until June 30, 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 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. 10-0555**

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**RE: ACCEPT THE BID OF CLEVELAND FREIGHTLINER AND AUTHORIZE THE EXECUTION OF A CONTRACT TO PURCHASE TWO (2) HEAVY DUTY TANDEM AXLE ROAD MAINTENANCE TRUCKS FOR USE BY THE PORTAGE COUNTY ENGINEER.**

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

**WHEREAS,** Resolution 10-0436 approved specifications and set the bid date to purchase two (2) Heavy Duty Tandem Axle Road Maintenance Trucks for use by the Portage County Engineer, and

**WHEREAS,** three (3) sealed bids were received, tabulated and recorded on June 2, 2010 for two (2) Heavy Duty Tandem Axle Road Maintenance Trucks for use by the Portage County Engineer, and

**WHEREAS,** after reviewing said bids, it was the recommendation of the Portage County Engineer that the bid of Cleveland Freightliner, Inc. be accepted as the lowest and best bid received; now therefore be it

**RESOLVED,** that the bid of Cleveland Freightliner, Inc., 4985 West 150<sup>th</sup>, Brook Park, Ohio 44135 be accepted and awarded as the lowest and best bid received, and be it further

**RESOLVED,** that a contract be entered into with Cleveland Freightliner, Inc. in the total amount of \$161,938.00 (two units @ \$80,969.00 each), and be it further

**RESOLVED,** that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in

those formal actions were in meetings open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Voice vote was as follows:

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

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**RESOLUTION No. 10-0556 - RE: APPOINTMENT TO THE PORTAGE COUNTY REGIONAL AIRPORT AUTHORITY BOARD OF TRUSTEES**

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

**WHEREAS,** Ohio Revised Code Chapter 308 authorizes the creation of a regional airport authority and the Portage County Regional Airport Authority Board of Trustees has been established for the purpose of acquiring, establishing, constructing, operating and promoting the use of the Portage County Regional Airport; and

**WHEREAS,** there currently is a vacancy on the Board of Trustees;  
now therefore be it

**RESOLVED,** that the Portage County Board of Commissioners does hereby appoint to a three-year term starting June 28, 2010 and expiring June 27, 2013 the following:

Gayle Poots  
10232 Hopkins Rd.  
Garrettsville, OH 44231

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

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**RESOLUTION No. 10-0557 - RE: CREATE FUND 7219, WC RETRO RATING PLAN 2010**

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

- WHEREAS,** it has become necessary to create a new fund in order to properly control the processing of financial related transactions related to the WC Retro Rating Plan 2010; now therefore be it
- RESOLVED,** that Fund 7219, WC Retro Rating Plan 2010 be created, and be it further
- RESOLVED,** that a certified copy of this resolution be filed with the County Auditor and the Director of Human Resources, 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. 10-0558 - RE: RESCIND RESOLUTION NOS. 10-0101 AND 10-0106 DUE TO A CHANGE IN THE AMOUNT OF FUNDING FROM THE STATE OF OHIO.**

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. 10-0101 on February 2, 2010 rescinding Resolution No. 09-1020 and replacing with Resolution No. 10-0106 adopted February 2, 2010; and
- WHEREAS,** the Ohio Environmental Protection Agency notified the Board of Commissioners that, due to their error, the amount of Water Pollution Control Loan Fund funding for the Portage County Water Resources Department West Branch Mobile Home Park WWTP Improvements had not been increased to \$300,801.50, but had in fact remained at the original \$120,000.00 funding amount; now therefore be it
- RESOLVED,** by the Board of Commissioners of Portage County, Ohio:
- Section 1. Resolution Nos. 10-0101 and 10-0106 are hereby rescinded.

Section 2. That the Clerk of this Board is hereby directed to certify a copy of this Resolution to the County Auditor, the Department of Budget and Financial Management and the Portage County Water Resources Department within 15 days after its passage.

Section 3. 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 was as follows:

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

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**RESOLUTION No. 10-0559 - RE: A RESOLUTION CONFIRMING THE PORTAGE COUNTY BOARD OF COMMISSIONERS' APPLICATION, ACCEPTANCE AND AGREEMENT TO ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF THE PORTAGE COUNTY WATER RESOURCES DEPARTMENT FOR \$120,000.00 FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER FACILITIES FOR THE WEST BRANCH MOBILE HOME PARK WWTP IMPROVEMENTS.**

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

**WHEREAS,** on October 29, 2009, the Portage County Board of Commissioners adopted Resolution 09-1020 authorizing the application for a WPCLF loan in the amount of \$120,000.00, agreeing to sign all documents for and to enter into a Water Pollution Control Loan Fund Agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for planning, design and/or construction of wastewater facilities on behalf of the County of Portage, Ohio; and

**WHEREAS,** Portage County was notified by the Ohio EPA that the loan amount increased from \$120,000.00 to \$300,801.50 and the Board of Commissioners rescinded Resolution 09-1020 and adopted Resolution 10-0106 accepting the new loan amount; and

**WHEREAS,** the Ohio Environmental Protection Agency notified the Board of Commissioners recently that an error had been made and the funding for the West Branch Mobile





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. 10-0104 on February 2, 2010 rescinding Resolution No. 09-1021 and replacing with Resolution No. 10-0105 adopted February 2, 2010; and
- WHEREAS,** the Ohio Environmental Protection Agency notified the Board of Commissioners that due to their error, the amount of Water Pollution Control Loan Fund funding for the Portage County Water Resources Department Operations and Maintenance Equipment Garage had not been increased to \$706,915.50, but had in fact remained at the original \$288,000.00 funding amount; now therefore be it
- RESOLVED,** by the Board of Commissioners of Portage County, Ohio:
- Section 1. Resolution Nos. 10-0104 and 10-0105 are hereby rescinded.
- Section 2. That the Clerk of this Board is hereby directed to certify a copy of this Resolution to the County Auditor, the Department of Budget and Financial Management and the Portage County Water Resources Department within 15 days after its passage.
- Section 3. 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 was as follows:

Charles W. Keiper II, Yea;

Christopher Smeiles, Yea;

Maureen T. Frederick, Yea;

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**RESOLUTION No. 10-0561**

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**RE: A RESOLUTION CONFIRMING THE PORTAGE COUNTY BOARD OF COMMISSIONERS AUTHORIZATION TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF THE PORTAGE COUNTY WATER RESOURCES DEPARTMENT FOR \$288,000.00 FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER FACILITIES FOR THE OPERATIONS AND MAINTENANCE EQUIPMENT GARAGE.**

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

**WHEREAS,** on October 29, 2009, the Portage County Board of Commissioners adopted Resolution 09-1021 authorizing the application for a WPCLF loan in the amount of \$288,000.00, agreeing to sign all documents for and to enter into a Water Pollution Control Loan Fund Agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for planning, design and/or construction of wastewater facilities on behalf of the County of Portage, Ohio; and

**WHEREAS,** Portage County was notified by the Ohio EPA that the loan amount increased from \$288,000.00 to \$706,915.50 and the Board of Commissioners rescinded Resolution 09-1021 and adopted Resolution 10-0105 accepting the new loan amount; and

**WHEREAS,** the Ohio Environmental Protection Agency notified the Board of Commissioners recently that an error had been made and the funding for the Operations and Maintenance Equipment Garage **had not** been increased but remains at the original funding amount of \$288,000.00; and

**WHEREAS,** Portage County continues to seeks to upgrade its existing wastewater facilities; and

**WHEREAS,** Portage County has applied for Water Pollution Control Loan Fund (WPCLF) for the planning, design and or construction of the wastewater facilities; and

**WHEREAS,** the Ohio Water Pollution Control Loan Fund requires the governmental authority to adopt legislation for application of a loan and the execution of an agreement; now therefore be it

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

SECTION 1. That Board President Charles W Keiper II is hereby authorized to confirm Portage County's application for a WPCLF loan, sign all documents for and enter into a Water Pollution Control Loan Fund Agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for planning, design and/or construction of wastewater facilities on behalf of the County of Portage, Ohio.

SECTION 2. That this resolution shall confirm the Board of Commissioners' intent in Resolution 09-1021 (Exhibit A), which was in effect on October 29, 2009.

SECTION 3. That a certified copy of this resolution be filed with the Portage County Department of Budget & Financial Management, the Portage County Water Resources Department, and the Portage County Auditor; and be it further





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

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**RESOLUTIONS**

June 15, 2010

1. Approval of Meeting Minutes from the June 10, 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./10-0549
3. Approve the Journal Vouchers as presented by the County Auditor./10-0550
4. Approve Then & Now as presented by the County Auditor./10-0551
5. Portage County Appointments to the Geauga-Ashtabula-Portage Partnership Workforce Investment Board (GAPP WIB) – David Shea./10-0552
6. Approving the plans, specifications and estimate of cost and setting the date and time for acceptance of bids for the construction of Project No. FR-2 (10-020), Twin Lakes Blower Building Roof Replacement in the Portage County Regional Sewer District Franklin Township (Water Resources Department)/10-0553
7. Resolution to accept and approve the collective bargaining agreement between the Portage County Board of Commissioners for The Woodlands at Robinson and AFCME Ohio Council 8 and Local 3630, as presented by Attorney Ron Habowski./10-0554
8. Due to a funding error by the Ohio EPA, the Water Resources Department requests the following actions pending review by the Department of Budget & Financial Management and Prosecutor’s Office. Attorney Leigh Prugh has reviewed noting that the drafts are fine:
  - a. Resolution to rescind Resolution Nos. 10-0101 and 10-0106./10-0558
  - b. Resolution confirming the Portage County authorization to apply for, accept and enter into a Water Pollution Control Loan Fund Agreement on behalf of the Portage County Water Resources Department for \$120,000 for planning, design and/or construction of wastewater facilities in the form of the West Branch Mobile Home Park WWTP Improvements, as first approved by Resolution 09-1020./10-0559
  - c. Resolution to rescind Resolution Nos. 10-0104 and 10-0105./10-0560
  - d. Resolution confirming the Portage County authorization to apply for, accept and enter into a Water Pollution Control Loan Fund Agreement on behalf of the Portage County Water

Resources Department for \$288,000 for planning, design and/or construction of wastewater facilities in the form of the Operations and Maintenance Equipment Garage, as first approved by Resolution 09-1021./10-0561

9. Accept the bid of Cleveland Freightliner and authorize the execution of a contract to purchase two (2) heavy duty tandem axle road maintenance trucks for use by the Portage County Engineer./10-0555

10. Appointment to the Portage County Regional Airport Authority Board of Trustees – Gayle Poots./10-0556

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**INVITATIONS/MEETING NOTICES**

June 15, 2010

1. Invitation for the ribbon cutting and open house to commemorate the new space shared by Pawsibilities, the Human Society of Greater Akron, etc. on Monday, June 28, 2010, 1:00 PM-3:00 PM, Darrow Road, Twinsburg.
2. Meeting notice for the Mental Health & Recovery Board meeting on Monday, June 14, 2010, 6:30 PM, 155 E. Main St., Kent.
3. Invitation for the 2010 Ohio Courts Summit on Wednesday, June 30, 2010, 10:00 AM-3:00 PM, The Westin Columbus.
4. Invitation from Western Reserve Heritage Area to attend the Public Gathering on Thursday, June 17, 2010, 4:00-6:00 PM at Reed Memorial Library, and on Wednesday, June 23, 2010, 4:00-6:00 PM, at Medina County District Library, Room A.
5. Invitation from Kent State University for the Annual Volunteer Fair on Tuesday, September 14, 2010, on the 1<sup>st</sup> and 2<sup>nd</sup> Floors of the Kent Student Center, 11:00 AM-1:30 PM.
6. Invitation from untied Way for the Tree City 5K on Saturday, July 3, 2010, KSU Dix Stadium, 5:00 PM.

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**INCOMING CORRESPONDENCE  
DISCUSSION**

June 15, 2010

1. Resolution to approve or disapprove Ashtabula County Commissioner Daniel Claypool's recommendation that Area 19 continue to pursue from the ODJFS an administrative review of the final Audit in accordance with the Notice for Disallowed Audit Costs Against GAPP and Recommendation by Chief LEO (Audit Tracking No. WIA-08-00007, Audit Period July 1, 2007 through June 30, 2008)./10-562
2. Discussion: Greater Akron Chamber invoice for dues of \$10,000 for May 1, 2010 to April 30, 2010. Commissioner Keiper to discuss with PCDED Director Bill Ulik, who has recommended not paying the

dues this year./Board of Commissioners does not want to pay due to budget constraints. Clerk to draft letter.

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**JOURNAL ENTRY**

June 15, 2010

1. The Board of Commissioners received confirmation from Shaketta Cunningham, Bureau of Justice Assistance, Office of Justice Programs, Department of Justice, indicating a change of scope for purchases in our 2007 and 2009 Disparate Grants Numbers falls within the program guidelines as follows:
  - A. 2007-DJ-BX-1414 - Change \$445.03 of the amount in Portage County Share from purchase patrolling vehicle to purchase equipment for patrolling vehicles. The remaining Portage County Share of \$4,207.97 was used for the purchase of a patrolling vehicle. The City of Kent's portion of \$6,500 remains unchanged.
  - B. 2009-DJ-BX-1192 - Change \$1,265.31 of the amount in Portage County Share from purchase patrolling vehicle to purchase equipment for patrolling vehicles. The remaining Portage County Share of \$2,734.69 was used for the purchase of a patrolling vehicle. The City of Kent's portion of \$4,000 remains unchanged.
2. Board of Commissioners' authorization requested to allow the electronic filing to the Ohio Emergency Management Agency, of a cash draw request for the SHSP FY08 Grant (2008-GE-T-0025) funds for \$15,000.00 for the period September 1, 2008 through March 31, 2011 as requested by Director Jon Barber, Office of Homeland Security and Emergency Management. Documents reviewed by the Department of Budget & Finance with no exceptions noted.
3. June 9, 2010 Certificate of the County Auditor that the Annual Appropriations from each fund does not exceed the Amended Official Certificate of Estimate Resources for the fiscal year beginning January 1, 2010 as presented by the Portage County Budget Commission.

\* \* \* \* \*

**REFERRED**

June 15, 2010

1. The Board of Commissioners received a Judgment and Decree in Foreclosure for Case No. 2009 CV 01847 as presented by the Portage County Common Pleas Court. Referred to Denise Smith.

\* \* \* \* \*

**PLEASE ADD TO YOUR AGENDA**

June 15, 2010

1. June 14, 2010 correspondence from County Auditor Janet Esposito, in response to the Board's June 10, 2010 request for information (entire packet in Share file)./Information Only.

2. Board of Commissioners' authorization requested to have Commissioner Keiper sign the reimbursement of Quarterly Expenses Report / Invoice for \$1733.05 to Family & Community Services for ARRA JAG Portage County Collaboration of Advocates for the period March 1, 2010-May 31, 2010 as requested by Family & Community Services./Journal Entry
3. June 11, 2010 correspondence from Mickey Marozzi, County Engineer, regarding the Portage County Storm Water Utility meeting on June 3, 2010./Information Only.
4. Board of Commissioners' authorization requested to allow use of the Portage Animal Protective League parking lot on Saturday, June 19, 2010 for a fund raising event – "Hogs and Dogs" from 10:30 AM-12:00 PM as requested by Karen Carmany, Portage Animal Protective League./ Journal Entry. Commissioner Frederick paid \$1.00 fee.

#### ADDITIONAL ITEMS

5. Board of Commissioners' signature requested on the June 17, 2010 correspondence to Director Chris Korleski, Ohio Environmental Protection Agency, requesting an additional twelve (12) months to the original forty-two (42) months granted under the Director's Final Findings and Orders (DFFO) Article 5 "Orders" Item 4 extending the completion deadline until January 1, 2012 for the Aurora Meadows Subdivision , Project No. M-1 (06-190) as presented by Director Harold Huff, Water Resources Department./Journal Entry
6. Commissioner Keiper would like to have the Clerk schedule an appointment with John Agler, URC (Your Utility Refund Experts) (440-526-1925). This is a utility refund program available to governments and not for profit agencies which helps reduce utility costs by identifying billing errors on utility bills such as electric, natural gas, water and sewer, etc.

#### INFORMATION ONLY

June 15, 2010

1. June 9, 2010 e-mail from Sally Kelly, Senior Center, regarding the Farm Market./Commissioner Frederick indicated the Executive Assistant should review the information provided by Director Kelly and make any necessary changes.
2. June 9, 2010 e-mail from Sally Kelly, Senior Center, regarding an update on the Senior Center.
3. June 9, 2010 e-mail from Todd Peetz, Regional Planning Commission, indicating the Western Reserve Heritage District meeting at Reed Memorial Library on June 21, 2010 has been changed to June 17, 2010 from 4:00-6:00 PM.
4. In response to the Board's request for review and comment on the June 7, 2010 Ohio Department of Transportation's correspondence regarding TIGER II Discretionary grant, the Board received comment from Bill Steiner, Director of Solid Waste Management and Mickey Marozzi, County Engineer.

5. June 3, 2010 correspondence from Bill Steiner, Solid Waste to Adam Harris, Portage County Health Department, regarding a response to violations cited in May 20, 2010 correspondence. (cc: next Solid Waste Agenda).
6. The Board of Commissioners received the breakdown of income and expenses for the 2010 Senior Celebration as presented by Director Sally Kelly
7. May 19, 2010 correspondence from Dan Israel, Google Apps for Government, regarding less expensive e-mail system powered by Google.
8. The Board of Commissioners received the June 11, 2010 notice indicating Barrington Boulevard closure at State Route 43 beginning Wednesday, June 23, 2010.
9. June 8, 2010 correspondence from Nelson Burns, Coleman Professional Services, regarding rental rehabilitation.

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**PROSECUTOR'S CORRESPONDENCE**

June 15, 2010

1. June 8, 2010 confidential correspondence from Leigh Prugh, regarding Inmate Services at the Portage County Justice Center./Information only. See above detail.

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**Journal Entry**

June 15, 2010

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

1. The Board of Commissioners acknowledged receipt of the June 10, 2010 e-mail from Shaketta Cunningham, Bureau of Justice Assistance, Office of Justice Programs, Department of Justice, confirming justification for the budget revision falls within the program guidelines for purchases in the 2007 and 2009 Disparate Grants Numbers as follows:
  - A. 2007-DJ-BX-1414 - Change \$445.03 of the amount in Portage County Share from purchase patrolling vehicle to purchase equipment for patrolling vehicles. The remaining Portage County Share of \$4,207.97 was used for the purchase of a patrolling vehicle. The City of Kent's portion of \$6,500 remains unchanged.
  - B. 2009-DJ-BX-1192 - Change \$1,265.31 of the amount in Portage County Share from purchase patrolling vehicle to purchase equipment for patrolling vehicles. The remaining Portage County Share of \$2,734.69 was used for the purchase of a patrolling vehicle. The City of Kent's portion of \$4,000 remains unchanged.

2. The Board of Commissioners authorized the electronic filing to the Ohio Emergency Management Agency, of a cash draw request for the SHSP FY08 Grant (2008-GE-T-0025) funds for \$15,000.00 for the period September 1, 2008 through March 31, 2011 as requested by Director Jon Barber, Office of Homeland Security and Emergency Management. Documents reviewed by the Department of Budget & Finance with no exceptions noted.
3. The Board of Commissioners acknowledged receipt of the June 9, 2010 Certificate of the County Auditor that the Annual Appropriations from each fund does not exceed the Amended Official Certificate of Estimate Resources for the fiscal year beginning January 1, 2010 as presented by the Portage County Budget Commission.
4. The Board of Commissioners signed the Personnel Action form acknowledging the resignation of Leslie Sikaffy as Social Services Worker 3 for the Portage County Department of Job and Family Services effective July 6, 2010 as presented by the Human Resources Department Director Karen U’Halie and approved by the Department of Job and Family Services Director Anita Herington.
5. The Board of Commissioners signed the June 15, 2010 correspondence to Janet Esposito, County Auditor requesting the Auditor’s office Debit Fund 1493, Collaboration Advocates Grant and Credit Fund 1481, Prosecutors State Grant, as requested by the Portage County Prosecutor’s Office and presented by the Department of Budget and Financial Management:

<u>Org</u>	<u>Object</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
<b>Debit:</b> 14930014	400000	9B03S	\$ 2,165.12	Contract Services
<b>Credit:</b> 14813001	152000	9A75S	\$ 2,165.12	Contract Services

6. The Board of Commissioners signed the June 15, 2010 correspondence to Janet Esposito, County Auditor requesting the Auditor’s office debit the General Fund account for the local government contribution of \$6,969.00 and credit this amount to Fund 1102, as requested by the Portage County Sheriff’s Department and presented by the Department of Budget and Financial Management:

<u>Org</u>	<u>Object</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
<b>Debit:</b> 00100004	492100		\$6,969.00	Local Share
<b>Credit:</b> 1102700	194000	0A000	\$6,969.00	Local Match / Share

7. The Board of Commissioners authorized Commissioner Charles W. Keiper II, President of the Board, to sign the Quarterly Expenses Report / Invoice for \$1733.05 to Family & Community Services for ARRA JAG Portage County Collaboration of Advocates for the period March 1, 2010-May 31, 2010 as requested by Family & Community Services.
8. The Board of Commissioners authorized use of the Portage Animal Protective League parking lot on Saturday, June 19, 2010 from 10:30 AM-12:00 PM for a fund raising event – “Hogs and Dogs” as requested by Karen Carmany, Portage Animal Protective League.

9. The Board of Commissioners signed the June 17, 2010 correspondence to Director Chris Korleski, Ohio Environmental Protection Agency, requesting an additional twelve (12) months to the original forty-two (42) months granted under the Director's Final Findings and Orders (DFFO) Article 5 "Orders" Item 4 extending the completion deadline until January 1, 2012 for the Aurora Meadows Subdivision, Project No. M-1 (06-190) as presented by Director Harold Huff, Water Resources Department.
10. The Board of Commissioners approved the following Personnel Requisitions, as presented by the Portage County Human Resources Department Director Karen U'Halie and approved by Department of Job & Family Services Director Anita Herington:

DEPARTMENT	JOB TITLE	GRADE	ACTION
Job & Family Services	Social Service Worker 3 (Replacing Leslie Sikaffy)	JFS J	Post Internally and Externally

11. The Board of Commissioners signed the June 14, 2010 correspondence to Chief Deputy Auditor Robert Hinkle, requesting the State of Ohio Auditor of State award the contract to the lower bidder and qualified firm of James G. Zupka for audit services for Portage County from 2009-2013.

The Board of Commissioners also signed a second June 14, 2010 correspondence to Mr. Hinkle indicating that upon receipt of this request, the State of Ohio Auditor of State would rescind the award to Ciuni and Panichi and consider the award of the audit contract to Zupka, the first choice of the AOS Regional Office and the less expensive of the two (2) bids.

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 **June 15, 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 **11:05 AM**. 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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