

Tuesday, July 6, 2010

The Board of County Commissioners met in regular session on **Tuesday, July 6, 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 July 1, 2010 meeting. All in favor, motion carries

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

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Commissioner Smeiles advised the Board of Commissioners that, as authorized by the Board of Commissioners, he contacted Don Trocchio who has agreed to survey the county owned property (approximately 50 acres) located on Infirmary Road (the former County Engineer salt storage dome site and small cinder block building) in Ravenna Township in preparation of the sale of that property, at a cost not to exceed \$1,000. The Commissioners noted that the Portage County Water Resources Department has a water booster station on the property, which requires the county to keep 3.1 acres. Commissioner Smeiles also contacted Jack Kohl and Frank DeLuca and both have agreed to provide a letter of opinion for the appraisal of the property at a cost not to exceed \$500 each. The Board of Commissioners agreed that Internal Services Director Townend should open the appropriate purchase orders, as authorized by JE #11 on June 29, 2010.

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Commissioner Smeiles advised the Board of Commissioners that he contacted Nelson Burns and Anita Herington to determine their interest on sitting on the panel to interview the JFS Director finalists. Both have agreed to do so. Commissioner Frederick responded that she has reservations about having the current JFS Director sit on the committee and wondered if perhaps Robinson Memorial Hospital CEO Steve Colecchi could do so instead. Commissioner Keiper stated that he has contacted Mr. Colecchi to determine his interest but did not yet receive a response. Mr. Colecchi has suggested that the Robinson Memorial Hospital Personnel Director may be available to sit on the panel.

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THE WOODLANDS AT ROBINSON

Present: Barb Fleischmann, Karen U'Halie

The Administrator advised the Board of Commissioners that the Census is at 68 with one in the hospital. The Administrator continues to market the facility, which is the "jewel of the area". Commissioner Smeiles wondered why the facility is less full than others. The Administrator responded that if the hospital is not full, then there are no resources to fill the facility. Also, she added that the doctors typically take the month of July for vacations so the referrals are down. In addition, the census drops since people are not

electing to do surgeries that are not necessary. The skilled care involved in a rehab is where the higher reimbursements come in and if the surgeries are not being scheduled, that care level is down.

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Commissioner Frederick asked for an update on the delinquent accounts at the facility. The Administrator has given the Prosecutor the information on delinquent accounts with not many results.

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The Administrator noted that she has attended the Portage County Senior Services Network meeting and is working with staff on a possible Portage County bus tour of area facilities.

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The Administrator showed the Board of Commissioners the planned marketing tool, which is the macramé braid which can be hung outside to determine the weather, as created by a resident. Commissioner Frederick suggested that perhaps the RMH gift shop could sell the items.

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PROSECUTOR – Cancelled

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10:05 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 employment issues within the Commissioners’ Departments. **Also present:** Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

10:45 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 took no action.

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COUNTY AUDITOR/HUMAN RESOURCES/PROSECUTOR

Present: Janet Esposito, Karen U’Halie, Leigh Prugh, Rebecca Ritterbeck, Julie Burner

The group is meeting today to discuss the proposed Leave Donation Program. Director U’Halie presented the third draft of the proposed policy which will be countywide, including union and non-union employees, for full-time personnel only who are paid by the Portage County Auditor, and will include limits on donated time.

The Auditor wondered if the policy should address at what point a retiring employee can bank hours. She is also concerned about the policy crossing elected officials departments. She added that last minute donations cannot occur be accommodated because of payroll issues

The Director suggested that the Board ask for written confirmation yearly from each elected official that the department will or will not participate in the program so that employees know if they can or cannot participate.

Commissioner Keiper stated that he is concerned that there may be a discrimination issue if all employees are not allowed to participate. The term family must be defined in the policy since there are different notions about that definition. He is comfortable with the draft, as presented. In addition, some elected officials do have small departments, such as the Coroner, that would benefit from a countywide policy.

The Auditor agreed that the concept is a good one, but that the group needs to think through the entire process. The program cannot be mandated countywide and needs to be entered into willingly. Attorney Leigh Prugh stated that the statute says that the legislative body sets the policy – she will investigate which outside agencies will be authorized to participate such as MR/DD, Regional Planning Commission, etc.

Commissioner Keiper noted that the section addressing the receiver’s unsatisfactory attendance records, a record of abuse or patterned use of sick leave, as documented is problematic – Leigh Prugh to investigate that language which appears to be discretionary and may change from elected official to elected official policy. Commissioner Keiper suggested that page two (e), should read that the program will not be available for work related injuries and not may not, which will add clarity to the program. The draft leave donation form certification says that both sick and/or vacation hours may be donated. Is there some mechanism that people can check their balances before they donate. Check a pay stub? Confirm with Human Resources Department? The group agreed that should be addressed in the policy, as well.

Commissioner Keiper noted that the county has the computerized ability to accommodate this program, Attorney Leigh Prugh will investigate to determine which departments may participate, and the Human Resources Department Director will ask each elected official for a copy of their personnel policies. The Board of Commissioners will then consider the approval of the policy.

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DEPARTMENT OF BUDGET & FINANCIAL MANAGEMENT

Present: Audrey Tillis

RESOLUTIONS

1. Cash Advance Repayment from Fund 1254, Neighborhood Stabilization NSP to Fund 0001, General Fund/10-0631
2. Closing of Fund 7210, WC Retro Rating Plan 2000/10-0632

UPDATES

3. The Director presented the latest Contingency Tracker.
4. The Director noted that the Board of Commissioners had approved Journal Entry #9 on February 23, 2010 accepting the February 17, 2010 recommendation of Portage County Sheriff

David Doak and agreed to terminate the York Building Maintenance (YBM) contract for cleaning services at the Justice Center at midnight on May 31, 2010. The Sheriff has asked for \$13,000 (\$10,000 to pay the deputy to guard the inmates who are cleaning and \$3,000 to purchase supplies), which will be transferred into the Sheriff's budget after the final payment to contractor and the PO is closed.

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The Director advised that Commissioner Frederick had asked for the Kent Court project cash flow over the next 20 years, which shows that the fund could fund a \$9.5 million facility. The Commissioners agreed that the Director should recalculate the numbers to allow for the fund to continue paying for courthouse security even though that payment is scheduled to end on December 31, 2010.

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RESOLUTION No. 10-0628 - **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 July 6, 2010 in the total payment amount of **\$204,512.55 for Funds 0001-7000** 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. 10-0629 - **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:

07/06/10	80	\$ 100.00
07/06/10	79	3,641.08
07/06/10	78	52,254.49
07/06/10	77	31,055.26
Total		\$ 87,050.83

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. 10-0630 - 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 **\$48,262.00** as set forth in Exhibit "A" dated **July 6, 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. 10-0631

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**RE: CASH ADVANCE REPAYMENT - FROM FUND 1254,
NEIGHBORHOOD STABILIZATION NSP TO FUND 0001,
GENERAL FUND**

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

WHEREAS, on October 22, 2009, the Board of Commissioners adopted Resolution No. 09-0985, approving a cash advance in the amount of \$ 10,000.00 until grant revenues were received, and

WHEREAS, Fund 1254 has received grant revenue; now therefore be it

RESOLVED, that the following cash advance repayment be made in the amount of \$ 10,000.00:

FROM:

FUND 1254, NEIGHBORHOOD STABILIZATION NSP

ORGCODE -12540819

Debit Expense Account

Object Code 921000 – Advance Out Returns

\$ 10,000.00

TO:

FUND 0001, GENERAL FUND

ORGCODE- 00100002

Credit Revenue Account

Revenue Source 291000 – Advance in Repayment

\$ 10,000.00

and be it further

RESOLVED, that the County Auditor is hereby requested to make said cash advance repayment by Journal Entry, and that a certified copy of this resolution be filed with the County Auditor, Regional Planning Commission 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;

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RESOLUTION No. 10-0632 - RE: CLOSING OF FUND 7210, WC RETRO RATING PLAN 2000.

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

WHEREAS, fiscal activity has ceased in Fund 7210, WC Retro Rating Plan 2000 all payments have been made and the Treasurer’s Cash Balance is \$0.00; now therefore be it

RESOLVED, that Fund 7210, WC Retro Rating Plan 2000 is hereby closed; and be it further

RESOLVED, that a certified copy of this resolution be filed with the County Auditor, the Department of Budget and Financial Management and the Department 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. 10-0633 - RE: APPOINTMENT TO THE NORTHEAST OHIO FOUR COUNTY REGIONAL PLANNING AND DEVELOPMENT ORGANIZATION (NEFCO) COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS) COMMITTEE.

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

WHEREAS, NEFCO was formed in 1974 as a council of governments by the elected officials within Portage, Stark, Summit and Wayne Counties and the organization is directed by a general Policy board which meets monthly, serves as the decision-making body, and is comprised of representatives from each of the four counties; and

WHEREAS, the Comprehensive Economic Development Strategy (CEDS) Committee of NEFCO determines a priority project list of the top economic development projects within our region and the CEDS Committee is comprised of representatives from each County; now therefore be it

RESOLVED, that the Portage County Board of Commissioners appoints the following to the Regional Comprehensive Economic Development Strategy Committee of NEFCO:

Todd Peetz, Director
Portage County Regional Planning Commission

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 was as follows:

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

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RESOLUTION No. 10-0634 - RE: AUTHORIZE GRANT APPLICATION AND ACCEPT THE OHIO DEPARTMENT OF PUBLIC SAFETY, GOVERNOR'S HIGHWAY SAFETY OFFICE GRANT FOR THE PORTAGE COUNTY SHERIFF'S OFFICE, ENTITLED HIGH VISIBILITY ENFORCEMENT OVERTIME 2010. (GRANT NO.# HVEO-2010-67-00-00-00301-00).

4. Approve Then & Now as presented by the County Auditor./10-0630

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INVITATIONS/MEETING NOTICES

July 6, 2010

1. Invitation from United Way for Key Leadership Breakfast on Thursday, July 22, 2010, 7:30-8:30 AM, NEOUCOM.
2. Invitation from the NEOUCOM Board of Trustees, announcing the Inauguration of Jay A. Gershen DDS, PhD as the Sixth President of the NEOUCOM on Friday, August 27, 2010, 2:00 PM. (Formal invitation will be extended in July).
3. Invitation from Job & Family Services for the Retirement celebration of Director Anita Herington as follows: (1) Monday, August 23, 2010, Windmill Lakes Golf Club, 4:30-7:30 PM (2) Tuesday, August 31, 2010, 2:00-3:00 PM, Portage County Administration Building Room 134.

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JOURNAL ENTRY

July 6 2010

1. The Board of Commissioners received the June 29, 2010 Amended Certificate of Estimated Resources for the year beginning January 1, 2010 as submitted by the Portage County Budget Commission (cc: Department of Budget & Financial Management).
2. The Board of Commissioners received the June 29, 2010 Certificate of the County Auditor that the Total Appropriations from each fund do not exceed the Official Estimate Resources for the fiscal year beginning January 1, 2010 as presented by the Portage County Auditor's Office.
3. Board of Commissioners' authorization requested to allow the Portage County Water Resources Department to pay the June 28, 2010 Invoice to NEFCO for second half of local dues assessment for Fiscal Year 2011 (covering a period from July 1 through December 31, 2010) for \$5587.00, as presented by the Water Resources Department.

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REFERRED

July 6, 2010

1. June 25, 2010 memo from Thomas Goard, Ohio Department of Job & Family Services, regarding the 1st, 2nd and 3rd Quarter SFY2010 AA-90 Mandated Share Report. Referred to the Department of Budget & Financial Management.
2. June 28, 2010 correspondence from Joseph Hadley, NEFCO, including an invoice for first half FY 2011 dues assessments. Referred to Solid Waste District and Water Resources Department/Journal Entry payment by the Water Resources Department.

3. June 15, 2010 correspondence from the Portage County Auditor's Office, regarding the new valuations for Parcel No. 31-361-23-00-176-000 (443 S. Meridian St.) and 31-361-23-00-175-000 (441 S. Meridian St.) Referred to Executive Assistant.

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PLEASE ADD TO THE AGENDA

July 6, 2010

1. Discussion: Proposed changes to the Board of Commissioners' Personnel Policy Manual Section 22 (17) Sick Leave Conversion/The Board of Commissioners agreed that the Human Resources Department Director should obtain a copy of all elected official's personnel policy manual using a public records request, if necessary.
2. Each Commissioner agreed to review the proposals and will choose three firms for the Kent Muni Court construction manager/the Board of Commissioners agreed to make the final selection on July 8th.
3. Resolution to appoint Todd Peetz to the Northeast Ohio Four County Regional Planning and Development Organization (NEFCO) Comprehensive Economic Development Strategy (CEDS) Committee, as presented by the Executive Assistant/10-0633
4. The Board of Commissioners received the July 2, 2010 letter of retirement from General Services Director Jim Manion, effective July 30, 2010/Journal Entry.
5. June 28, 2010 response from the Auditor of State's office to the June 24, 2010 questions from the Board of Commissioners regarding the 2009 Audit/Information only.
6. June 30, 2010 correspondence from Attorney Philip King to the CFO for the Ohio Department of Job & Family Services regarding the 2007 GAPP Audit/Information only.
7. Authorize grant application and accept the Ohio Department of Public Safety Governor's Highway Safety Office Grant for the Portage County Sheriff's Department, entitled High Visibility Enforcement Overtime for 2010 for the time period October 1, 2009 through September 30, 2010/10-0634.
8. On July 2, 2010, Paul Maracle, 6486 Spring Street in Ravenna Township, came to the Commissioners' Office for assistance with the June 30, 2010 correspondence from Attorney Leigh Prugh regarding their tie-in to the Portage County Sewer. Mr. Maracle met with Louie Munoz and Dave Sloan, who plan to meet with him again on July 6, 2010/ Commissioner Frederick noted that she received a phone call from a home owner in Brimfield Township who installed a new septic system last year and now also has a letter stating that the home must tie into the sewer system. Why didn't the Health Department tell the homeowner to tie in before it issued the permit? Is there not some coordination of effort between departments? Commissioner Smeiles noted that the ORC requires that any home within 200' of a sewer line must tie in. He added that the contractor could also have advised the home owner that they should have tied into the system. Commissioner Keiper noted that the lawsuit does not involve the Board of Commissioners and the Board has no authority in this matter. Commissioner Smeiles agreed, noting that the Health Department typically uses a lot of patience and grace is extended until the sewer gets to a site/ Information only at this time.

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Journal Entry

July 6, 2010

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

1. The Board of Commissioners acknowledged the receipt of the June 29, 2010 Amended Certificate of Estimated Resources for the year beginning January 1, 2010, as submitted by the Portage County Budget Commission.
2. The Board of Commissioners acknowledged the receipt of the June 29, 2010 Certificate of the County Auditor that the Total Appropriations from each fund do not exceed the Official Estimate Resources for the fiscal year beginning January 1, 2010, as presented by the Portage County Auditor.
3. The Board of Commissioners authorized the Portage County Water Resources Department to pay the June 28, 2010 Invoice to NEFCO for second half of local dues assessment for Fiscal Year 2011 (covering a period from July 1 through December 31, 2010) for \$5,587.00, as presented by the Water Resources Department. The Board of Commissioners noted that the Solid Waste Management District will pay the remaining \$5,587.00.
4. The Board of Commissioners accepted with regret the July 2, 2010 notice of retirement from Portage County General Services Director Jim Manion, effective July 30, 2010.
5. The Board of Commissioners signed the Personal Action Form authorizing the hire of Michael Robinson as the Public Assistance Administrator in the Portage County Department of Job & Family Services, effective July 26, 2010, contingent upon the applicant passing a pre-employment physical and drug screen.

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 **July 6, 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 **11:40 AM**. All in favor, motion carries.

Charles W. Keiper II, President

Maureen T. Frederick, Board Member

Christopher Smeiles, Vice President

Deborah Mazanec, Clerk

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