

Tuesday, February 1, 2011

The Board of County Commissioners met in regular session on **Tuesday, February 1, 2011 at 9:42 AM** with the following members present:

Christopher Smeiles

Maureen T. Frederick

Tommie Jo Marsilio

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It was moved by Tommie Jo Marsilio, seconded by Christopher Smeiles to approve the meeting minutes of the January 27, 2011 meeting. All in favor, motion carries

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Also attending throughout the day: Mike Sever, Record-Courier; Executive Assistant; members of the public

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MOTOR POOL

Present: Joe Dillon, JoAnn Townend

Mr. Dillon noted that he has no new issues but wanted to continue his discussion regarding the shop equipment purchase and the possible hire of a part time mechanic.

JoAnn Townend noted that Department of Budget & Financial Management Director Audrey Tillis will not be in today due to the weather and she asked Ms. Townend to sit in for her.

Director Tillis had presented the Board of Commissioners with a spreadsheet review showing the funding request submitted by Mr. Dillon to the Board as well as a sheet for the projected funding impact. Assuming revenue at \$20,000/ month for now, based on income that came in for December at the reduced rate, the Director will be able to provide a better projection later in the year as history develops using the lower rates.

The Department of Budget & Financial Management Director has recommended moving ahead with the \$50,000.00 transfer as originally planned, which would allow the purchase of necessary equipment. An additional transfer can be made based on revised projections after June. The actual costs depending on how the Board proceeds and revised revenue projections could cost in excess of \$100,000.00 annual transfer from the General Fund. The Board can also consider weight average base costs for vehicle maintenance service for each County vehicle that would be billed to each department on a quarterly basis. Additional costs to departments would be for the cost of parts used in repairs.

The Department of Budget & Financial Management Director also noted that she believes that the department will work better with the flexibility of part-time employee(s). If the need arises and is justified by continued need, one of the employees can be promoted to a higher mechanic position. This is a first step that should be taken and then evaluated over time before a full-time position is added/
Journal Entry Advertise for the third position

Director Townend will talk to the Interim Water Resources Department Director today to discuss financial support for the lifts from the Water Resources Department. There may be other funds that use heavier equipment requiring the lifts; however, the majority of the work is for Water Resources. JoAnn Townend noted that she is working with the IT Department in setting up the Munis motor vehicle module.

Member of the public Mr. Nagle asked where the Motor Pool is located and asked what the plan is for the new Water Resources Department million dollar facility? Commissioner Smeiles responded that the building will house the large tankers and be used to store parts for pump stations. There are no tools on site to repair vehicles only repair of pumps. He suggested that Mr. Nagle tour the building. Commissioner Frederick noted that the county thought about providing equipment repair after the project was designed and started. Commissioner Smeiles noted that the building was built as a long term asset.

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PROSECUTOR

Present: Denise Smith, David Brode

9:58 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(3), it was moved by **Christopher Smeiles**, seconded by **Tommie Jo Marsilio** that the Board of Commissioners move into executive session to conference with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. **Also present: Attorneys Denise Smith and David Brode.** Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

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

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

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Review of Prosecutor's Pending List

1. The Board of Commissioners discussed the January 26, 2011 Legal Opinion from Attorney Denise Smith regarding the county's authority to order connection to the county sewer system when private premises are located within 200 feet of the public sewer system. Attorney Smith advised that the notices that went out to residents were not orders but notices; there is not a requirement for those receiving notices to tie into the system until the Board of Commissioners sends an order to do so. The Board of Commissioners agreed that Attorney Leigh Prugh should create an amendment to the rules and regulations for sewer tie ins creating a variance procedure. The Executive Assistant is to work with the Water Resources Department to draft a letter to residents who received the original notices; the letter should include verbiage advising of the variance process and specifying that variances would not be granted to residents with failing sewerage systems.

2. **Portage Development Board representation by the Board of Commissioners.** Denise Smith advised that the Portage Development Board by-laws call for a Board of Commissioners' representative, Whatever Commissioner is appointed to serve on the Executive Committee cannot vote as a Commissioner on matters involving the Portage Development Board. The Board of Commissioners could appoint a designee who could vote. Denise Smith used the Neighborhood Development Services analogy noting that Commissioner Keiper had to abstain from voting on loans involving Neighborhood Development Services at the Commissioners' meetings.

3. Attorney Smith advised the Board of Commissioners that Human Resources Department Director Karen U'Halie has been in touch with Solid Waste Management District Director Steiner regarding his draft driver policy.

4. The Board of Commissioners discussed Attorney Leigh Prugh's January 30, 2011 correspondence regarding the Liamette (Bill Kremer) request for payment in lieu of trunk credits that were a partial consideration of a general sewer agreement between Mr. Kremer and Portage County. Attorney Smith agreed to advise Attorney Leigh Prugh of the Board's decision not to pursue settlement.

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PROSECUTOR CORRESPONDENCE

February 1, 2011

1. Discussion: The Woodlands at Robinson Term Sheet/the Board of Commissioners adopted Resolution 11-0111 agreeing to sign this documents noting that Denise Smith has advised that this is a good faith representation that the Board of Commissioners and Robinson Memorial Hospital will continue to move forward; it is not legally binding.
2. The Board of Commissioners received a Notice of A Lawsuit and Request to Waive Service of a Summons for Civil Action No. 5:11-CV-0157 (Shaver)/Executive Session item today with Denise Smith.
3. January 24, 2011 correspondence from Denise Smith to Ben Sutton, Sutton Insurance regarding potential litigation (McDaniel)/information only.
4. January 28, 2011 e-mail from JoAnn Townend, Internal Services to Leigh Prugh, regarding settlement and release agreement with Joseph and Sandra Koharchik and January 31, 2011 email from Attorney Prugh/The Board of Commissioners discussed the request from the Koharchiks that the county agreement be amended to exclude future damages, as recommended by their attorney. The Board of Commissioners agreed to remain consistent and not agree to that inclusion.
5. Discussion: Atwater Trailer Park/The Board of Commissioners noted that the owner of the park has already paid the assessed charges in full and is asking for something in writing for a prospective buyer proving that the trunk and plant fees for additional trailers were paid in the 1970s . The Board of Commissioners agreed that the Water Resources Department should confirm that payment before agreeing to send a letter.
6. The Board of Commissioners discussed Attorney Smith's draft MOU between the County and the Regional Airport Authority. Attorney Smith noted that the agreement may be unenforceable and that she is unable to sign the MOU as to form. She added that the Board of Commissioners may not be able to get the land back, once donated, which is a risk to the county. Commissioner Smeiles explained that he had forwarded an FAA document to Attorney Smith, which states that the land does revert to the county if not used as a match. Attorney Smith replied that the document has been rescinded and not longer valid. She added that the Board of Commissioners can choose to give the land to the Airport. Commissioner Smeiles stated that he would be comfortable doing so.

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THE WOODLANDS AT ROBINSON

Present: Nursing Home Administrator Barb Fleischmann, DON Cathie Eggleston, Human Resources Department Director Karen U'Halie, Attorney Denise Smith, Internal Services Director JoAnn Townend, Christley, Herington & Pierce Attorneys Ron Habowski and Ted Yates

The Board of Commissioners agreed to meet with Attorney Habowski for an update on the collections at the nursing home. Attorney Ted Yates is also attending.

Attorney Habowski noted that an Eviction Process is independent of collection process.

Attorney Yates explained that the intent of his office is to collect monies, deposit those monies, deduct their fees and then send remainder to the county. Barb Fleischmann noted that, instead of upfront payments, the Nursing Home bills after the service is provided. Medicaid is not taken until coverage is approved – no Medicaid pending is accepted. The Woodlands is now trying to collect \$100,000 from three current residents and \$108,000 from discharged residents. Christley, Herington & Pierce will take over that collection process.

Commissioner Smeiles asked if the eviction process that is automatic keeping Board of Commissioners out of the process. Attorney Habowski replied that there are two different issues: the threat of an eviction and the Board of Commissioners wants to keep costs down. Barb Fleischmann and Attorney Yates will work on that. He noted that if he does not collect, he won't get paid. They are focusing on the three cases of current residents.

Attorney Habowski added that a letter will be sent to residents that collection action is being considered and eviction may follow. The bottom line is that the county does not want to spend \$5 to collect \$4. Eviction would not be initiated in every case depending on the amount in arrears.

Barb Fleischmann reminded the Board of Commissioners that in order to give a resident an eviction notice, another facility must accept the resident before eviction. The Woodlands does not accept residents who are in arrears elsewhere. The DON noted that the state has rules and regulations under the Ohio Department of Health for resident displacement.

Commissioner Frederick asked for a copy of the current admissions process; the Nursing Home Administrator responded that she will have a copy to the Board of Commissioners this afternoon, including copies of everything signed by residents and/or families.

Attorney Yates advised that he and staff will look at all procedures to guarantee that the money will come to the nursing home. He is still investigating processes and creating forms in his office.

Fee Agreement/Resolution 11-0112

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The Nursing Home Administrator noted that the Ohio Department of Development Correction Plan going out today. She added that door latches are being replaced on the activity room and dining room doors.

The Census today is at 69 plus two although there were residents going to the hospital.

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DEPARTMENT OF BUDGET & FINANCIAL MANAGEMENT

RESOLUTIONS

- 1. Cash Advance Repayment from Fund 4006, Veterans Memorial to Fund 0001, General Fund/11-103
- 2. Transfer from Fund 0001, General Fund to Fund 7002, Vehicle Maintenance/11-104
- 3. Transfer from Fund 5507, PCW Cleveland To Aurora to Fund 5415, PCW Revenue bond 2010/11-105

OTHER

- 4. Journal entry approval(s):
 - a. Processing Local Contribution – PC Soil & Water Conservation District
 - b. Processing Local Contribution – PC Park District
 - c. Processing Add'l Contribution – PC Park District
 - d. Processing Annual Contribution – PC Regional Planning Commission

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EXECUTIVE ASSISTANT

Present: Charlene Badger

The Executive Assistant attending to discuss the February 8th Leadership meeting agenda.

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11:50 AM Lunch Recess

1:10 PM Board of Commissioners reconvened

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WATER RESOURCES

Present: Jeff Lonzrick

- 1. **Resolution** - Amending Resolution No. 09-0006, Requiring Permits to the Portage County Regional Sewer District: Establishing Connection Charges; Providing for the Payment of Such Charges in Installments and Providing for the Certification of Unpaid Connection Charges to the County Auditor – Aurora Meadows./11-0106
- 2. **Journal Entry** - Cancellation Request for Snow Plowing at APL
- 3. **Journal Entry** - Signature for Tap Fees
- 4. **Journal Entry** - Authorization to Obtain Cost Proposals for Coating Field Inspection Services of a 143 foot tall water tank.
- 5. **Discussion** – Mr. Lonzrick presented the Water Resources Department Capital Improvements Plan, which the Board of Commissioners agreed to review and be ready to discuss with Mr. Lonzrick later this month. At Commissioner Smeiles’ suggestion, Mr. Lonzrick agreed to investigate whether or not a rate increase would be necessary to fund the proposed improvements. He noted that the Board of Commissioners had approved minor rate increases over a 10 year period, which are set to expire at the end of 2011. Commissioner Frederick asked

if there are funds in the budgets for these projects? Mr. Lonzrick replied that he always checks with the Water Resources Department finance people before coming to the Board of Commissioners with a recommendation.

When asked about the planned Biosolids Facility, Mr. Lonzrick explained that the county operates 11 wastewater treatment plants that all produce sludge, which is all hauled to Streetsboro for dewatering. The water is fed back into the plant for additional processing and a cake product is produced. Cake products are Class B products, which may be spread in accordance with strict EPA rules dependent upon weather etc. or trucked to a landfill in Tuscarawas County, which can be costly. Class A products are 92% or better solid and are spreadable in more areas, takes 25% less storage since it is dryer and more easily stored and/or transported to a landfill, which happens Mondays-Fridays. The biosolids plant in Streetsboro could be built to process these Class A products and maybe even charge other communities to process their by-products. The Director noted that he believes that the EPA will be making the requirement for Class A products in the future.

Mr. Lonzrick added that most projects do not go past 2013 since staff is not able to see that far in the future. Commissioner Frederick noted that looking at these projects, she can see how important it is for residents to go home and have water to drink and be able to flush.

Commissioner Marsilio asked if this list is the product of recommendations by the department awaiting approval by the Board of Commissioners, Mr. Lonzrick responded that staff watches EPA requirements and adjusts the projects accordingly. A project approved by the Board of Commissioners will have a project number.

Jeff described the process for a project making its way to this list – staff identifies a problem and comes up with solutions, which add to this list. Some are EPA permit related in trying to continue to meet EPA standards.

Commissioner Smeiles advised that a member of the public asked a question this morning about the need for the new large \$1 million Water Resources Department building on infirmary Road (O&M Building). Mr. Lonzrick responded that the most important use will be on days like today when it is necessary to warm up diesel engines located outside for two hours.

Windham Water and Sewer Agreements

The village wants a water curtailment clause in the water agreement, which will cut off Portage County in case of a drought or a fire. Mr. Lonzrick noted that Portage County agreements require that all customers share in a curtailment; this agreement calls for just a Portage County curtailment and not other customers. The Board of Commissioners agreed to invite the Mayor to attend the 2/15 meeting with Director Lonzrick and Attorney Leigh Prugh.

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COUNTY ENGINEER

Present: Mickey Marozzi

The Board of Commissioners discussed the storm water issue raised this morning by a member of the public, who asked what is the county doing with the \$680,000 collected? The County Engineer explained that the Portage County Program is administrative in nature and not about building anything or cleaning ditches. The EPA gave the NPDES permit to Portage County, the permit is about improving storm water quality over a five year period. The permit has numerous reporting requirements with six minimum control measures. All communities regulated under Phase II of the National Pollutant Discharge Elimination System (NPDES) are required to create a Storm Water Management Plan (SWMP) to implement controls in six minimum measures. The Environmental Protection Agency (EPA) has spelled out what must be done to satisfy each measure:

1. Public Education and Outreach
2. Public Participation/Involvement
3. Illicit Discharge Detection and Elimination – the Health Department does not have records from the past and is now identifying discharges; staff will start viewing ditches and pipes during a dry period also to identify discharges. Complaints are processed in a normal manner.
4. Construction Site Storm Water Runoff Control
5. Post-Construction Storm Water Management in New Development and
6. Pollution Prevention/Good Housekeeping for Municipal Operations

An annual report must be submitted to the EPA. He added that maintenance of the system will not start until later in the permit, since the recommended fees were reduced by the Board of Commissioners. The monies are spent mostly between the Portage County Health Department and the Portage County Soil & Water Conservation District. The Prosecutor gets a small amount of the funding. Mr. Marozzi agreed to send the annual reports from the Health Department and the Soil & Water District to the Board of Commissioners.

The Engineer advised that the county is in compliance with the EPA and has met all requirements at this time.

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The County Engineer is also attending today to discuss the Quality Base Selection Procedure, used by his office. About eight years ago, in order to get federal money for a project design, the Engineer had to use the ODOT's QBS procedure, which he continues to use now on all of his projects. The Board of Commissioners thanked him for the process, which could be used by the Commissioners' departments. Commissioner Smeiles noted that he believes that the Water Resources Department has a similar process in place.

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Resolutions

1. Declare Richard L. Bowen and Associates Inc. most qualified firm as a result of review and analysis of qualifications and enter into negotiations for professional services for the project known as Hudson Road (TH 146) Rehabilitation in Franklin Township, Portage County./11-107

2. Declare Floyd Browne Group most qualified firm as a result of review and analysis of qualifications and enter into negotiations for professional services for the project known as Gilbert Road (TH 188) Rehabilitation in Paris Township, Portage County./11-108
3. Declare Transystems most qualified firm as a result of review and analysis of qualifications and enter into negotiations for professional services for the project known as the Portage County Fracture Critical Bridge, Continuous Multi-Span Bridge and Culvert Load Rating Project./11-110
4. Authorizing the purchase, through the Ohio Department of Administrative Services, State Term Schedule #7751501008 of one utility tractor and State Term Schedule #7751500508 of one roadside mower for use by the Portage County Engineer./11-109

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3:05 PM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Tommie Jo Marsilio**, seconded by **Christopher Smeiles** that the Board of Commissioners move into executive session to consider a discipline issue/Pre-Disciplinary Hearing. **Also present:** Human Resources Department Director Karen U'Halie and Director of Maintenance Tim Miller. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

4:00 PM Upon conclusion of the above referenced discussion, it was moved by **Tommie Jo Marsilio**, seconded by **Christopher Smeiles** that the Board of Commissioners move out of executive session. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

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

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RESOLUTION No. 11-0099 - RE: BILLS APPROVED AND CERTIFIED TO THE PORTAGE COUNTY AUDITOR FOR PAYMENT.

It was moved by Tommie Jo Marsilio, 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 Department of Budget and Financial Management or other designee on February 1, 2011 in the total payment amount of **\$369,506.38 for Funds 0001-7102** 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:

and ordinances will be evaluated. Policies that promote, enhance, require or maximize the fair housing provision will be developed and promotional materials will be provided and eligible administration of the grant to serve low and moderate income households; now therefore be it

RESOLVED, the Board of Portage County Commissioners accepts the 2010 New Horizons Fair Housing Assistance Program Grant in the total amount of Fifteen Thousand Dollars (\$15,000); and be it further

RESOLVED, that the grant period begins January 1, 2011 and ends April 1, 2012; and be it further

RESOLVED, Portage County agrees to comply with all State and Federal Regulations and Guidelines in the administration and implementation of these funds and designate the President of the Portage County Board of Commissioners, or his/her designee, as the Chief Elected Official to sign all necessary documents in connection with this grant; and be it further

RESOLVED, that a certified copy of this resolution be filed with the County Auditor, the Regional Planning Commission and the Department of Budget and Financial Management, and be it further

RESOLVED, 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:

Christopher Smeiles, Yea;

Maureen T. Frederick, Yea;

Tommie Jo Marsilio, Yea;

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RESOLUTION No. 11-0103

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RE:

**CASH ADVANCE REPAYMENT- FROM FUND 4006,
VETERANS MEMORIAL TO FUND 0001, GENERAL
FUND**

It was moved by Tommie Jo Marsilio, seconded by Christopher Smeiles that the following resolution be adopted:

WHEREAS, on July 31, 2007, the Portage County Board of Commissioners adopted Resolution No. 07-0763, approving a cash advance in the amount of \$115,000.00 to the Veterans Memorial Project to be repaid when grant funds and contributions from the sale of memorial bricks are received, and

WHEREAS, the Portage County Board of Commissioners approved Resolution No. 08-1242 on

December 30, 2008, Resolution No. 09-1147 on December 15, 2009 and Resolution No. 10-1121 on December 10, 2010 authorizing partial cash advance repayments of \$50,000.00, \$25,000.00 and \$10,000.00 respectively, and

WHEREAS, the cash balance in the fund is sufficient to repay the remaining cash advance of \$30,000.00; now therefore be it

RESOLVED, that the following cash advance repayment be made in the amount of \$30,000.00:

FROM:

FUND 4006, VETERANS MEMORIAL

ORGCODE - 40060019

Debit Expense Account

Object 921000 – Advances Out-Return \$ 30,000.00

TO:

FUND 0001, GENERAL FUND

ORGCODE - 00100002

Credit Revenue Account

Revenue Source 291000 – Advances In - Repayment \$ 30,000.00

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 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.

Roll call vote as follows:

Christopher Smeiles, Yea;

Maureen T. Frederick, Yea;

Tommie Jo Marsilio, Yea;

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RESOLUTION No. 11-0104

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RE: TRANSFER FROM FUND 0001, GENERAL FUND TO FUND 7002, CENTRAL VEHICLE MAINTENANCE

It was moved by Tommie Jo Marsilio, seconded by Christopher Smeiles that the following resolution be adopted:

WHEREAS, the Portage County Central Vehicle Maintenance revenues are projected to be less

It was moved by Tommie Jo Marsilio, seconded by Christopher Smeiles that the following resolution be adopted:

- WHEREAS,** with the construction of the Aurora Meadows Subdivision Sanitary Improvements Project No. M-1 (06-190) connection fees for houses located within the subdivision and along the force main route must be established; and
- WHEREAS,** due to USDA grant and loan funding such connection charges will vary from the connection charges currently provided by Resolution 09-0006; now therefore be it
- RESOLVED,** by the Board of County Commissioners of Portage County, Ohio:

SECTION 1. That Resolution No. 09-0006 shall be amended to include the following Section 12-3:

Section 12-3 A special rate for properties provided sanitary sewer service with the construction of the Aurora Meadows Subdivision Sanitary Improvements Project No. M-1(06-190).

A. All existing residences (as of the October 18, 2010 Public Meeting) located in the Aurora Meadows Subdivision No. 1 (See Vol. 10 Page 40 of the Portage County Records of Plats) and Aurora Meadows Subdivision No. 2 (See Vol. 11 Page 5 of the Portage County Records of Plats) that tie into the Aurora Meadows Subdivision Sanitary Improvements Project No. M-1 (06-190) prior to January 1, 2012 will not be required to pay the "normal" local service, lateral, trunk and plant charges; the connection charge shall be \$100.00. This is due to the availability of USDA funding.

B. All existing residents within the Aurora Meadows Subdivision No. 1 and the Aurora Meadows Subdivision No. 2 who do not tie into the sewer system before January 1, 2012 will be required to pay the "normal" local service, lateral, trunk and plant charges; these charges shall also apply to any homes constructed after October 18, 2010.

C. All connections to the force main installed for the Aurora Meadows Subdivision Sanitary Improvements Project No. M-1 (06-190) will be subject to trunk and plant charges as calculated by the Water Resources Department.

SECTION 2. 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 as Follows:

Christopher Smeiles, Yea;

Maureen T. Frederick, Yea;

Tommie Jo Marsilio, Yea;

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RESOLUTION No. 11-0107

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RE:

DECLARE RICHARD L. BOWEN AND ASSOCIATES INC. MOST QUALIFIED FIRM AS A RESULT OF REVIEW AND ANALYSIS OF QUALIFICATIONS AND ENTER INTO NEGOTIATIONS FOR PROFESSIONAL SERVICES FOR THE PROJECT KNOWN AS HUDSON ROAD (TH 146) REHABILITATION IN FRANKLIN TOWNSHIP, PORTAGE COUNTY

It was moved by Tommie Jo Marsilio, seconded by Christopher Smeiles that the following Resolution be adopted:

- WHEREAS,** Resolution 10-1052 authorized the announcement of the request for proposals for professional services for the project known as Hudson Road (TH 146) Rehabilitation in Franklin Township, Portage County; and
- WHEREAS,** the announcement requesting proposals for said project was published in the Record Courier on November 19, 2010; and
- WHEREAS,** qualifications were received from thirteen (13) engineering firms for providing professional services for the Hudson Road (TH 146) Rehabilitation Project; and
- WHEREAS,** the qualifications were reviewed by the County Engineer and rated using the Quality Base Selection Procedure (consultant selection process) used by the Ohio Department of Transportation; and
- WHEREAS,** after review and rating, the firm of Richard L. Bowen and Associates Inc. was rated highest; now therefore be it
- RESOLVED,** that the Portage County Engineer recommends that the qualifications of Richard L. Bowen and Associates Inc. be accepted; and be it further
- RESOLVED,** that the Portage County Commissioners authorize the Portage County Engineer to enter into contract negotiations between the Portage County Commissioners and Richard L. Bowen and Associates Inc. to provide professional services for the Hudson Road (TH 146) Rehabilitation Project in accordance with ORC 153.69, Sub. Sec. A.; 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.

RESOLUTION No. 11-0110 - RE: **DECLARE TRANSYSTEMS MOST QUALIFIED FIRM AS A RESULT OF REVIEW AND ANALYSIS OF QUALIFICATIONS AND ENTER INTO NEGOTIATIONS FOR PROFESSIONAL SERVICES FOR THE PROJECT KNOWN AS THE PORTAGE COUNTY FRACTURE CRITICAL BRIDGE, CONTINUOUS MULTI-SPAN BRIDGE AND CULVERT LOAD RATING PROJECT**

It was moved by Tommie Jo Marsilio, seconded by Christopher Smeiles that the following Resolution be adopted:

- WHEREAS,** the County Engineers Association of Ohio (CEAO) announcement requesting proposals for the County Fracture Critical Bridge, Continuous Multi-Span Bridge and Culvert Load Rating Project was posted on the Ohio Department of Transportation website; and
- WHEREAS,** qualifications were received by CEAO from forty-one (41) engineering firms for providing professional services for the County Fracture Critical Bridge, Continuous Multi-Span Bridge and Culverts Load Rating Project; and
- WHEREAS,** the qualifications were reviewed by the County Engineer and rated using the Quality Base Selection Procedure (consultant selection process) used by the Ohio Department of Transportation; and
- WHEREAS,** after reviewing and rating, the firm of TranSystems was rated the highest; now therefore be it
- RESOLVED,** that the Portage County Engineer recommends that the qualifications of TranSystems be accepted; and be it further
- RESOLVED,** that the Portage County Board of Commissioners authorize the Portage County Engineer to enter into contract negotiations between the Portage County Commissioners and TranSystems to provide professional services for the Portage County Fracture Critical Bridge, Continuous Multi-Span Bridge and Culvert Load Rating Project in accordance with ORC 153.69, Sub. Sec. A.; and be it further
- RESOLVED,** that the Portage County 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:

Christopher Smeiles, Yea; Maureen T. Frederick, Yea; Tommie Jo Marsilio, Yea;

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RESOLUTION No. 11-0111 - RE: **RESOLUTION TO AUTHORIZE THE BOARD OF COMMISSIONERS TO SIGN THE CONFIDENTIAL TERM SHEET FOR THE PURPOSE OF ENTERING INTO A NON-BINDING AGREEMENT WITH ROBINSON MEMORIAL HOSPITAL TO CONTINUE TO NEGOTIATE IN GOOD FAITH.**

It was moved by Tommie Jo Marsilio, seconded by Christopher Smeiles that the following resolution be adopted:

WHEREAS, the Portage County Board of Commissioners is working with Robinson Memorial Hospital to determine if the hospital is interested in transferring operational control of The Woodlands at Robinson from the Board of Commissioners to the Robinson Memorial Hospital; and

WHEREAS, Robinson Memorial Hospital presented a Term Sheet including broad details for consideration, lease payments, conditions closing date, right of first refusal, confidentially terms, and expenses, noting that should the terms be accepted, it shall not constitute a binding agreement with respect to the transaction contemplated herein, but rather, shall be incorporated in and supplemented by a definitive lease agreement consistent with the terms hereof pursuant to which this transaction will be consummated; now therefore be it

RESOLVED, that the Board of Commissioners agrees to sign the Term Sheet, attached hereto as Ex. A, noting that hospital counsel will prepare an initial draft of the definitive agreement and the Board of Commissioners agrees to continue to negotiate in good faith the terms of a definitive lease agreement; 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:

Christopher Smeiles, Yea; Maureen T. Frederick, Yea; Tommie Jo Marsilio, Yea;

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RESOLUTION No. 11-0112 - RE: **RESOLUTION TO AUTHORIZE THE BOARD OF COMMISSIONERS TO ENTER INTO A FEE AGREEMENT WITH CHRISTLEY, HERINGTON & PIERCE FOR REPRESENTATION IN COLLECTION WORK FOR THE WOODLANDS AT ROBINSON.**

**INCOMING CORRESPONDENCE
DISCUSSION**

February 1, 2011

1. January 26, 2011 correspondence from Joseph Mayernick, Hermitage Capital Partners, regarding the Portage Development Board/Information only.
2. The Board of Commissioners received the Indigent Defense Reimbursement statement for September/October 2011 as presented by the Office of the Ohio Public Defender/Information only.
3. January 24, 2011 correspondence from James Eskridge, Adult Probation, regarding a request for building security/Scan and send to Sheriff Doak.
4. January 17, 2011 correspondence from Team NEO, accepting nominations for the 5th Annual Team NEO Economic Development Plus Awards in June at the John S. Knight Center, Akron. Deadline for entries is March 11, 2011(Held from January 27, 2011)/Commissioner Smeiles to review the criteria and perhaps make a recommendation.
5. January 24, 2011 e-mail from Michelle Ripley, Safety/Loss Control, regarding Portage County covered and non covered entities/The Board of Commissioners asked Charlene Badger to work with Michelle Ripley and Ben Sutton to review and purge the listing of covered and non-covered entities. The Board of Commissioners asked that staff identify what claims have been filed by non-county entities and what impact that has had if any. /Charlene Badger to work with Ms. Ripley on this project.
6. January 20, 2011 correspondence from Dennis Deters, Colerain Township, requesting support in urging the Supreme Court to take jurisdiction of a landfill case. Deadline, Friday, January 28, 2011/The Board of Commissioners agreed to take no action

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JOURNAL ENTRY

February 1, 2011

1. Board of Commissioners' authorization requested to allow use of the 3rd Floor Veteran Services Office (Room 361) on Monday, February 28, 2011 from 4:30-7:00 PM for a Commission Meeting as requested by Robert Park, Veteran Services.
2. Board of Commissioners' signature requested on the payment authorization form for R2K Contracting for Townhall II exterior renovations located at 155 North Water Street, Kent for \$6,033.60 as requested by the Regional Planning Commission. The B-F-09-1CJ-1 Formula Grant Activity #06 Neighborhood Facility/Community Center is funding this expense.
3. Board of Commissioners' signature requested on the payment authorization form for The Brewer Garrett Company to replace hot deck controller for air handler #9 for Townhall II located at 155 North Water Street, Kent for \$5,102.00 as requested by the Regional Planning

Commission. The B-F-09-1CJ-1 Formula Grant Activity #06 Neighborhood Fac/Community Center is funding this expense.

4. The Board of Commissioners received the January 26, 2011 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, 2011 as presented by the Portage County Auditor.
5. The Board of Commissioners received the January 26, 2011 e-mail from Attorney Thomas Reitz, Christley, Herington & Pierce, confirming a request for subpoena for personal appearance of Brian Olsen, Ohio Department of Transportation, District 4 in the matter of the proposed 139.3981 acre annexation from Hiram Township to the Village of Hiram. (cc: Prosecutor's Office).
6. Board of Commissioners' authorization requested to allow use of the Courthouse Lawn on Thursday, May 12th and Thursday, July 21, 2011 from 7:00 PM to 9:30 PM for the Home Heritage Concert Series as requested by Home Savings Bank.
7. Board of Commissioners' signature requested on the Satisfaction of Mortgage for John Metzko as requested by the Neighborhood Development Services. Documents reviewed by the Department of Budget & Finance with no exceptions noted.
8. Board of Commissioners' authorization requested to have Commissioner Frederick, President of the Board sign the Housing Semi Annual Program Income Report as requested by Neighborhood Development Services. Documents reviewed by the Department of Budget & Finance with no exceptions noted.
9. Board of Commissioners' authorization requested to have Commissioner Frederick, President of the Board sign the ED RLF Semi-Annual Report for loans that were delinquent or more than thirty days past due on December 31, 2010 as follows:

Cascade Group:	Principal Balance \$72,136.59
Noah's Ark:	Principal Balance \$38966.76

Documents reviewed by the Department of Budget & Finance with no exceptions noted.

10. Board of Commissioners' signature requested on the purchase requisition for Ty Tan Construction LLC for installation of a handicap accessible bathroom for homeowner Christine Webb for \$5,000.00 as requested by the Regional Planning Commission. The B-F-09-1CJ-1 Formula Grant Activity #5 Home/Building Repair is funding this expense.
11. Board of Commissioners' signature requested on the purchase requisition for Hirst Construction for tying homeowner Gladys Hall into city water for \$5,000.00 as requested by the Regional Planning Commission. The B-F-09-1CJ-1 Formula Grant Activity #5 Home/Building Repair is funding this expense.

12. Board of Commissioners' signature requested on the purchase requisition for Ty Tan Construction LLC for a roof replacement for homeowner Richard & Tracy Skiladoni for \$5,000.00 as requested by the Regional Planning Commission. The B-F-09-1CJ-1 Formula Grant Activity #5 Home/Building Repair is funding this expense.
13. Board of Commissioners' authorization requested to allow use of the Portage County Administration Building's Annex Building basement conference room on the following dates for foster parent training as requested by Sharon Spence, Children Services:

Wednesday, March 30, 2011	6:00-9:00 PM
Saturday, April 2, 2011	9:00 AM-12:00 Noon
Monday, April 4, 2011	6:00 PM-9:00 PM
Wednesday, April 6, 2011	6:00-9:00 PM
Monday, April 11, 2011	6:00-9:00 PM
Monday, April 13, 2011	6:00-9:00 PM
Saturday, April 16, 2011	9:00-12:00 Noon
Monday, April 18, 2011	6:00-9:00 PM
Wednesday, April 20, 2011	6:00-9:00 PM
Saturday, April 23, 2011	9:00-12:00 Noon
Wednesday, April 27, 2011	6:00-9:00 PM
Wednesday, May 4, 2011	6:00-9:00 PM
Saturday, May 7, 2011	9:00-12:00 Noon
Monday, May 9, 2011	6:00-9:00 PM
Wednesday, May 11, 2011	6:00-9:00 PM
Saturday, May 14, 2011	9:00-12:00 Noon

14. Board of Commissioners' authorization requested to allow the electronic filing of the semi-annual progress report to the US Department of Justice office on Violence Against Women for the Arrest Grant No. 2007-WE-AX-0048 for the ATR Community Collaborative as requested by Carole Beaty, Family & Community Services. Documents reviewed by the Department of Budget & Finance with no exceptions noted.
15. Board of Commissioners' authorization requested to allow the electronic filing of the annual performance report to the Ohio Office of Criminal Justice Services (OCJS) for the Domestic Violence Intervention project VAWA Grant No. 2009-WF-VA8-8222 supporting both the Domestic Violence Assistant Prosecutor in addition to the Outreach Advocate for Safer Futures as requested by Carole Beaty, Family & Community Services. Documents reviewed by the Department of Budget & Finance with no exceptions noted.
16. In accordance with the Ohio Revised Code Section 325.33, the Board of Commissioners signed the Certificate of Title Administration Fund indicating that excess funds for the year 2010 in the amount of \$480,000 will be paid into Fund 0001 from Fund 1001, Org. 10015017, Object 704000 to Org. 00100001, Object 153300, as presented by Portage County Clerk of Courts Linda Fankhauser.

17. The Board of Commissioners received notice that on January 28, 2011, the Department of Budget & Financial Management submitted the Office of Justice Assistance Disparate Grant Performance Report online for Grant No. 2009-DJ-BX-1192 for the period of October 1-December 31, 2011 noting no activity was reported for this quarter.
18. The Board of Commissioners received notice that pursuant to the Workers Adjustment and Returning Notification Act (WARN), Excel will permanently close its entire operations currently being conducted at 9777 Mopar Drive, Streetsboro with an expected date of permanent closure and loss of employment of April 2, 2011. (cc: Job & Family Services).

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REFERRED

February 1, 2011

1. The Board of Commissioners received a Notice of a Lawsuit and Request to Waive Service of A Summons for Civil Action No. 5:11-CV-00154 (Shaver) to *Portage County Board of Commissioners*. Referred to Prosecutor’s Office.
2. The Board of Commissioners received a Notice of a Lawsuit and Request to Waive Service of A Summons for Civil Action No. 5:11-CV-00154 (Shaver) to *Portage County*. Referred to Prosecutor’s Office.
3. January 21, 2011 correspondence from Dan Colantone, Greater Akron Chamber, including a conflict of interest statement. Referred to Executive Assistant.

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INFORMATION ONLY

February 1, 2011

1. The Board of Commissioners received a thank you from the Aurora Chamber of Commerce for renewing membership.

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JOURNAL ENTRY

February 1, 2011

Motion by Tommie Jo Marsilio, seconded by Christopher Smeiles to approve the following actions:

1. The Board of Commissioners authorized use of the 3rd Floor Veteran Services Office (Room 361) on Monday, February 28, 2011 from 4:30-7:00 PM for a Commission Meeting, as requested by Robert Park, Veteran Services.
2. The Board of Commissioners signed the payment authorization form for R2K Contracting of Rootstown for Townhall II exterior renovations located at 155 North Water Street in Kent for \$6,033.60, as presented by the Regional Planning Commission. The B-F-09-1CJ-1 Formula Grant Activity #06 Neighborhood Facility/Community Center is funding this expense.

3. The Board of Commissioners signed the payment authorization form for The Brewer-Garrett Company of Cleveland to replace hot deck controller for an air handler #9 for Townhall II located at 155 North Water Street in Kent for \$5,102.00, as presented by the Regional Planning Commission. The B-F-09-1CJ-1 Formula Grant Activity #06 Neighborhood Fac/Community Center is funding this expense.
4. The Board of Commissioners acknowledged the receipt of the January 26, 2011 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, 2011 as presented by the Portage County Auditor.
5. The Board of Commissioners acknowledged the receipt of the January 26, 2011 e-mail from Attorney Thomas Reitz, Christley, Herington & Pierce, confirming a request for subpoena for the personal appearance of Brian Olsen, Ohio Department of Transportation, District 4 in the matter of the proposed 139.3981 acre annexation from Hiram Township to the Village of Hiram. (cc: Prosecutor's Office).
6. The Board of Commissioners authorized use of the Courthouse Lawn on Thursday, May 12th and Thursday, July 21, 2011 from 7:00 PM to 9:30 PM for the Home Heritage Concert Series, as requested by Home Savings Bank.
7. The Board of Commissioners signed the Satisfaction of Mortgage for John Metzko, 4275 Wayne Road, Mantua, as presented by the Neighborhood Development Services. Documents reviewed by the Department of Budget & Finance with no exceptions noted.
8. The Board of Commissioners authorized Commissioner Frederick, President of the Board, to sign the Portage County Housing Semi Annual Program Income Report, as presented by Neighborhood Development Services. Documents reviewed by the Department of Budget & Finance with no exceptions noted.
9. The Board of Commissioners authorized Commissioner Frederick, President of the Board, to sign the Portage County ED RLF Semi-Annual Report for loans that were delinquent or more than thirty days past due on December 31, 2010 as presented by the Neighborhood Development Services, Inc. as follows:

Cascade Group:	Principal Balance \$72,136.59
Noah's Ark:	Principal Balance \$38966.76

Documents reviewed by the Department of Budget & Finance with no exceptions noted.

10. The Board of Commissioners signed the purchase requisition for Ty Tan Construction LLC of Lakemore, Ohio for the installation of a handicap accessible bathroom for homeowner Christine Webb, 2155 Summers Ave, Streetsboro for \$5,000.00, as presented by the Regional Planning Commission. The B-F-09-1CJ-1 Formula Grant Activity #5 Home/Building Repair is funding this expense.

11. The Board of Commissioners signed the purchase requisition for Hirst Construction of Ravenna for tying homeowner Gladys Hall, 9799 State Route 43, Streetsboro into city water for \$5,000.00, as presented by the Regional Planning Commission. The B-F-09-1CJ-1 Formula Grant Activity #5 Home/Building Repair is funding this expense.
12. The Board of Commissioners signed the purchase requisition for Ty Tan Construction LLC of Lakemore, Ohio for a roof replacement for homeowner Richard & Tracy Skiladoni, 793 Diane Drive in Streetsboro for \$5,000.00, as presented by the Regional Planning Commission. The B-F-09-1CJ-1 Formula Grant Activity #5 Home/Building Repair is funding this expense.
13. The Board of Commissioners authorized the use of the Portage County Administration Building's Annex Building basement conference room (466 South Chestnut Street in Ravenna) on the following dates for foster parent training as requested by Sharon Spence, Children Services:

Wednesday, March 30, 2011	6:00-9:00 PM
Saturday, April 2, 2011	9:00 AM-12:00 Noon
Monday, April 4, 2011	6:00 PM-9:00 PM
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14. The Board of Commissioners authorized the electronic filing of the semi-annual progress report to the US Department of Justice office on Violence Against Women for the Arrest Grant No. 2007-WE-AX-0048 for the ATR Community Collaborative, as presented by Carole Beaty, Family & Community Services. Documents reviewed by the Department of Budget & Finance with no exceptions noted.
15. The Board of Commissioners authorized the electronic filing of the annual performance report to the Ohio Office of Criminal Justice Services (OCJS) for the Domestic Violence Intervention project VAWA Grant No. 2009-WF-VA8-8222 supporting both the Domestic Violence Assistant Prosecutor in addition to the Outreach Advocate for Safer Futures, as presented by Carole Beaty, Family & Community Services. Documents reviewed by the Department of Budget & Finance with no exceptions noted.

16. In accordance with the Ohio Revised Code Section 325.33, the Board of Commissioners signed the Certificate of Title Administration Fund indicating that excess funds for the year 2010 in the amount of \$480,000 will be paid into Fund 0001 from Fund 1001, Org. 10015017, Object 704000 to Org. 00100001, Object 153300, as presented by Portage County Clerk of Courts Linda Fankhauser.
17. The Board of Commissioners acknowledged that on January 28, 2011, the Department of Budget & Financial Management submitted the Office of Justice Assistance Disparate Grant Performance Report online for Grant No. 2009-DJ-BX-1192 for the period of October 1-December 31, 2011 noting no activity was reported for this quarter.
18. The Board of Commissioners acknowledged the receipt of notice pursuant to the Workers Adjustment and Returning Notification Act (WARN), Excel will permanently close its entire operations currently being conducted at 9777 Mopar Drive, Streetsboro with an expected date of permanent closure and loss of employment of April 2, 2011. The Board of Commissioners forwarded the Notice to the Department of Job & Family Services.
19. The Board of Commissioners signed the February 1, 2011 correspondence to Janet Esposito, County Auditor requesting that the Auditor debit the General Fund account for this local government contribution of \$25,000.00 and credit this amount to Fund 8700 for the local government contribution to Portage Soil and Water Conservation District for the Grant Period 2011 (January 1, 2011 – December 31, 2011), as presented by the Department of Budget and Financial Management:

	<u>Org</u>	<u>Object</u>	<u>Amount</u>	<u>Description</u>
Debit:	00100004	492300	\$25,000.00	GF Soil & Water Contribution
Credit:	87009071	194000	\$25,000.00	GF Soil & Water Contribution

20. The Board of Commissioners signed the February 1, 2011 correspondence to Janet Esposito, County Auditor, requesting that the Auditor debit the General Fund account for annual operating support of \$27,000.00 shown below and credit this amount to Fund 8600, as requested by the Portage County Park District and presented by the Department of Budget & Financial Management.

	<u>Org</u>	<u>Object</u>	<u>Amount</u>	<u>Description</u>
Debit:	00100004	492300	\$27,000.00	Annual Contribution
Credit:	86009091	188500	\$27,000.00	Annual Contribution

21. The Board of Commissioners signed the February 1, 2011 correspondence to Janet Esposito, County Auditor, requesting that the Auditor debit the General Fund account for this annual operating support of \$18,000.00 shown below and credit this amount to Fund 8600, as requested by the Portage County Park District and presented by the Department of Budget & Financial Management.

	<u>Org</u>	<u>Object</u>	<u>Amount</u>	<u>Description</u>
Debit:	00100004	492300	\$18,000.00	Annual Contribution
Credit:	86009091	188500	\$18,000.00	Annual Contribution

22. The Board of Commissioners signed the February 1, 2011 correspondence to Janet Esposito, County Auditor, requesting that the Auditor debit the General Fund account for this annual contribution amount of \$27,000.00 shown below and credit this amount to Fund 8500, as presented by the Department of Budget & Financial Management:

	<u>Org</u>	<u>Object</u>	<u>Amount</u>	<u>Description</u>
<u>Debit:</u>	00100004	492300	\$27,000.00	Annual Contribution
<u>Credit:</u>	85009061	188500	\$27,000.00	Annual Contribution

23. The Board of Commissioners approved the January 20, 2011 request from the Animal Protective League that the county discontinue the agreement entered into on February 15, 2005 (Resolution No. 05-0096) for County Snow Plowing Services at 8122 Infirmity Road, Ravenna, effective immediately, as presented by Interim Director Jeff Lonzrick, Portage County Water Resources Department.

24. The Board of Commissioners authorized the Portage County Water Resources Department to obtain cost proposals from World International Testing Inc. and Tank Industry Consultants for coating field inspection services for the County Jail Tank Repaint, Project No. SH-W (10-090), as recommended by Interim Director Jeff Lonzrick, Portage County Water Resources Department.

25. The Board of Commissioners authorizes the Director of the Portage County Water Resources Department, or his designated representative, to sign approval of all Tap-In Fees, effective immediately, as recommended by Interim Director Lonzrick.

26. After meeting today in an Executive Session, the Board of Commissioners authorized a five day suspension for a non-bargaining, exempt employee under the direction of the Board of Commissioners on Monday, February 7, 2011 through Friday, February 11, 2011.

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 **February 1, 2011**. There being no further business to come before the Board, it was moved by Tommie Jo Marsilio, seconded by Christopher Smeiles to adjourn the official meeting at **4:10 PM**. All in favor, motion carries.

Maureen T. Frederick, President

Tommie Jo Marsilio, Vice-President

Christopher Smeiles, Board Member

Deborah Mazanec, Clerk

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