

**Monday, August 29, 2011**

The Board of County Commissioners met in regular session on **Monday, August 29, 2011 at 10:10 AM** with the following members present:

Maureen T. Frederick

Tommie Jo Marsilio

Christopher Smeiles

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It was moved by Tommie Jo Marsilio, seconded by Christopher Smeiles to approve the meeting minutes of the August 25, 2011 meeting. All in favor, motion carries

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Commissioner Marsilio commented that, over the next several months, she would like the Board of Commissioners to review all of the Board of Commissioners' departments in detail in a systematic, methodical, consistent, organized manner to look at departmental criteria for attendance, vehicle policies, etc. to develop criteria that will be followed by all departments to eliminate processes that do not work, to preserve systems that work well and achieve consistency countywide. Commissioner Frederick also noted that the Board of Commissioners is behind on director evaluations and she would like to incorporate those evaluations in the review, as well; the Board agreed. Commissioner Marsilio noted that, for example, she saw a large county vehicle at noon at Arby's in Ravenna and contacted the Directors of the Solid Waste Management District and the Water Resources Department, as well as John Mason since the Office of Homeland Security and Emergency Management Director is on vacation, to ask what their policies for such an occurrence are. She learned that the policies allow employees to go to lunch in county vehicles and take some vehicles home. She added that the public may not appreciate a policy allowing an employee to use the county vehicle in such a manner; these are the kinds of issues that the Board should address. The Board should come up with a list of things for each department to address; same review and same questions will be addressed for each department.

Commissioner Marsilio offered to draft a list of issues to be addressed for the Board of Commissioners to look at and comment on. Commissioner Frederick likes the idea of sitting with each department head to discuss departmental goals, direction, focus and departmental missions, promotions policies, hiring policies and criteria. A checklist for each department would be a useful tool during those discussions. Given the mandates coming and the lack of funds, change is coming. Commissioner Frederick added that the Board of Commissioners typically manage a crisis as it comes up and even extending the time with each department does not allow an in depth discussion, although it has been beneficial. What is the departmental mission? Commissioner Marsilio asked if each department has a mission statement. Water Resources Department may? Commissioner Smeiles commented that the Leadership Team has a mission statement. Commissioner Marsilio also wants to create a policy addressing the hire of friends and relatives. Commissioner Frederick thought that the advent of having a Human Resources Department will have alleviated that. The Commissioners agreed that their intent is to make their departments work more efficiently and these reviews are not to be used as a disciplinary measure. The intent is to improve what needs to be improved and keep what is working in place. Commissioner Frederick noted that there is now an open line of communication with the Board of Commissioners and department directors.

Commissioner Smeiles agreed with Commissioner Frederick and Commissioner Marsilio and appreciates the intention of improving departmental activities. Although he does not want to be pessimistic, the reality is that the Board of Commissioners goes forth with the best and well-meaning intentions but issues come up and crisis management intervenes. It would be a good start to begin the director evaluations.

Commissioner Frederick pointed out that the Portage County Board of Commissioners is “hands on” even as the 15<sup>th</sup> largest county in Ohio. She added that the county is a big business that should be a sophisticated operation. In the past, the Board has discussed the hire of an Executive Administrator. Although she is not comfortable moving ahead with a hire at this time, she would like to discuss how to move forward to determine what is best for Portage County. Commissioner Marsilio replied that she believes that Portage County needs a County Administrator but not an executive form of county government. She is in favor of having an Administrator who would have the time to look at policy issues, etc. The challenge is to create and fill such a position; it would have been impossible to do so in a non-partisan manner in the past. She wondered how the Board of Commissioners can accomplish this hire at this time in a non-partisan manner. Commissioner Frederick suggested that perhaps the League of Women Voters or an entity of that sort would agree to do a study? She added that she would not want Portage County to go in the manner of Cuyahoga County in the past year. It is difficult for people to differentiate between a corrupt elected official and a system.

Commissioner Smeiles stated that it all comes down to time and management. Would a County Administrator with the proper credentials be able to work 40-50 hour per work week to do the mundane things that the Board of Commissioners currently does, allowing the Board of Commissioners to go in a different direction? Commissioner Marsilio agreed that the people elect the Board to do the “how should it be?” Commissioner Smeiles added that the Board of Commissioners tends to go in many different directions.

Commissioner Frederick agreed that the Board of Commissioners spends time on the minutia instead of setting policy to move forward with the best interest of the county. Commissioner Smeiles noted that the Board of Commissioners will get criticism if they move forward. He also mentioned that Jim Manion was the Board’s trouble shooter; he is now gone. Dan Banks was the Board’s grant person and he is now gone. Carol Kurtz was the Internal Auditor and she is now gone. That was recommended by the state; Commissioner Frederick wondered if that duty could be housed under the County Auditor. Christopher Smeiles remarked that there are three to five Board of Commissioners’ director vacancies that have not been filled; on top of that there are the day-to-day duties associated with those vacancies that have been delegated to other staff. If there was an executive hired, directors would have someone to go to instead if the Board of Commissioners.

Commissioner Frederick stated that the Executive Administrator would keep the Board of Commissioners on task, functioning and informed, performing analysis that would allow the Board of Commissioners to create Board policy. She added that the executive would most likely need someone on staff to assist him or her. Commissioner Smeiles commented that the Board of Commissioners has saved hundreds of thousands of dollars by not filling the Commissioners’ vacant positions.

Commissioner Frederick pointed out that the other elected officials will be coming to the Board of Commissioners with requests for the money they need for their offices to function. The Board of

Commissioners always takes second place in what they need to accommodate other elected officials; this year the Board needs to identify their needs and stand firm. Commissioner Frederick reminded the Board of Commissioners that the Judges and Law Enforcement are coming in on September 27<sup>th</sup> to advise the Board of Commissioners what is needed for the county to comply with HB 85.

Commissioner Marsilio agreed that a planned delegation of duties to the executive would alleviate the need of directors to get to the Board of Commissioners on days they are not in the office officially. Commissioner Frederick stated that somewhere in the structure/table of organization the Board needs to keep the Clerk and Internal Services Director as key people at the top with a clarification of who reports to whom. Commissioner Marsilio added that the county is past the point of taking advantage of the Clerk and/or Internal Services Director. She would be pleased of either of those employees wanted to apply. Commissioner Frederick added that Audrey Tillis is also in that mix as respected by other elected official.

The Board of Commissioners agreed that they are not averse to working hard but they want to work smart. Adding on all of the meetings and events that the Board of Commissioners attends usually makes for a 60+ hour work week. Commissioner Frederick commented that the pancake breakfasts etc. are integral to the position of Commissioner in that the Commissioners must be available to the public.

Commissioner Marsilio asked if the Board wants to look at what other counties are doing, what they have in place, how their offices are set up. She added that this hire cannot be a political appointee but must be a real worker with set parameters. Commissioner Smeiles stated that a Portage County hire would be advantageous since this person would have to have knowledge of the county. Commissioner Smeiles commented that there have been Board of Commissioners' hires in the past that have been non-political. He is confident that a search would provide acceptable candidates.

Commissioner Marsilio agreed to draft a job description for Board consideration for the position of County Administrator. She added that she believes that the Board of Commissioners needs to be the best steward of county dollars. Commissioner Smeiles suggested that the Board of Commissioners authorize the Human Resources Department to create a job description for Board review. Commissioner Marsilio replied that she would be happy to draft the job description and then have the Human Resources Department Director review it. She added that the Board must be good stewards of county funds and she believes that this would be a good use of county dollars.

Commissioner Smeiles stated that he would make a motion to create a job description and move forward only if the entire Board agreed to move forward. Commissioner Frederick and Commissioner Marsilio agreed, with Commissioner Frederick stating that the Board must remain cognizant of budget constraints and the needs of other elected officials.

The Board of Commissioners agreed that the Department of Budget & Financial Management Director should be prepared to include the funds for this new position in the 2012 budget and be ready to address any concerns at the September meeting with elected officials. The Board of Commissioners has not earmarked funds for this effort but agreed to look at the facts and figures as to what it will cost for this position.

Commissioner Frederick stated that there is a Beacon Journal article on Summit County that reports that the practice is now to condense and combine.

Commissioner Frederick stated that currently the Clerk and Internal Services Director make things happen for the Board of Commissioners. The Board does not have a perception of what it takes to get things done.

Commissioner Smeiles spoke in defense of department heads who do not like taking direction from staff other than the Board of Commissioners, stating that neither the Clerk nor the Internal Services Director has the authority to supervise other department heads. Commissioner Frederick agreed and noted that there should also be a discussion of a pay increase. She added that the Board of Commissioners had talked about a one-time bonus for employees but noted that there is already a \$6.9 million shortfall.

Commissioner Marsilio remarked that this job must be planned correctly with the appropriate authority and the money – maybe \$80,000 plus. She added that the Commissioners only make \$65,000 per year or so but do the job because they love it. The Board will have to recruit an experienced professional to do this job and pay them what they are worth; she added that she would not rule out current staff members. Commissioner Frederick agreed and added that the Board must identify their strengths and capitalize on those strengths. One of the strengths is the current staff. What works now must be incorporated and integral to what might be in the future, whether one or more of the current staff members are elevated or even hired into this proposed position.

Commissioner Marsilio agreed to draft a job description and get it to the Board of Commissioners for discussion at their Monday, September 12<sup>th</sup> meeting. Commissioner Frederick stated that the Board must look at their Organizational Table at some point to see how it can be revised. Commissioner Marsilio will call the CCAO to identify the best practice for counties in hiring an Administrator.

Commissioner Frederick stated that the value of this new position would be that the Board of Commissioners would not have to spend their time on the minutia, which would be managed by the Administrator who must be confident, capable, and able to handle those issues. She is comfortable that the proposition can be defended and wants to include this position in the Commissioners' 2012 budget.

Commissioner Marsilio stated that she does not believe that John Q. Public will not be concerned about this hire; however, the other elected officials will care and will question this potential hire. She added that the Board of Commissioners has made many cuts to accommodate the needs of other elected officials. Commissioner Frederick stated that people cannot afford to put another dollar out to pay for something. Translating to government, people do not want to hear about rate increases etc. The county is \$6.9 million out and other elected officials will wonder what the Board is thinking.

Commissioner Smeiles amended his motion to agree that the Board of Commissioners will look at the internal structure of the Commissioners' Office and Commissioners' departments to improve the delivery of services, incorporating what is working now and what can be enhanced as needed, possibly culminating in the creation of the position of an Administrator./Journal Entry. Commissioner Frederick stated that it is incumbent upon the Board of Commissioners to respond to the needs of the county; this position will allow the Board of Commissioners to do so.

Commissioner Smeiles stated that former Commissioner Keiper had suggested pursuing the idea of hiring a County Administrator for many years in the past; the vote was not unanimous at that time so it was not pursued.

Commissioner Marsilio agreed to work on the list for departmental review, ready for discussion on the Board's Monday, September 12<sup>th</sup> meeting.

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Commissioner Frederick reported that the County Auditor is displeased that the Board of Commissioners questioned Brian Kelley's traveling to Hollywood, California so that the Director can receive an award. She added that the Auditor told her that GIS funds will pay for the trip and there will be representatives from all over the world at the event. Commissioner Marsilio commented that she is happy for and proud of the IT Department who does a fabulous job. However, she does not believe that it is okay to use public dollars to award an employee for doing their public job.

Commissioner Frederick stated that the Auditor may need the opportunity to talk to the Board of Commissioners about this request. The Board of Commissioners agreed that the Auditor should sign the travel request and send it back to the Board of Commissioners for consideration.

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Commissioner Frederick noted that she heard lots of concern from residents at the Fair last week about Robinson Memorial Hospital.

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**KENT COURTHOUSE**

Commissioner Frederick reported that she also had a discussion at the Fair with the gentleman who attended the Board meeting on August 16<sup>th</sup> when the Board discussed the Kent Courthouse. He had worked in construction and had offered to look at the footprint of the facility, which he did. Commissioner Frederick asked the gentleman to put his comments in writing or come back and see the Board of Commissioners at one of their regular meetings. The Board agreed that they would have to identify the gentleman; Commissioner Marsilio will look at the sign-in sheet to determine his name.

Commissioner Smeiles wondered where the Board of Commissioners is in this project. The Board is waiting for the city to acquire the site. In the meantime, what is the next step? Commissioner Frederick would like to present the gentleman's comments and suggestions to the architect for consideration. He thought that there should be a full basement and all of the utilities should be located in the basement; water should not be an issue if the basement is designed and built correctly. Commissioner Frederick would like to capitalize on that knowledge and incorporate some changes into the current footprint. Commissioner Smeiles offered to contact the architect to determine the next step and get a timeline from the architect. He would like to begin to build in the spring.

Commissioner Marsilio asked if the Board of Commissioners is willing to consider reducing the size of the courthouse since the proposed building is four times larger than the current facility. Commissioner Smeiles would consider massaging and adjusting the space without compromising the functionality. He is okay with the size already approved. Commissioner Frederick thought that the Board was on the same track in getting a utilitarian facility with no excess space; areas that can be lessened or combined

should be. Commissioner Smeiles added that he is okay with the process in that the group meets, massages the footprint and agrees to a plan.

Commissioner Marsilio commented that she believes that the Board should make the decision to reduce the size of the courthouse in a common sense manner giving a square foot number to the Judges et al so that they can create a floor plan with that number, working backwards. Commissioner Smeiles disagreed; stating that it is about the process and not a number. Commissioner Frederick observed that both the number and the footprint are important. She wants to use staff and other expertise to get to the correct floor plan/footprint. For example, JoAnn Townend had talked to the architect about a solution for parking that would lessen the space requirement. The Board of Commissioners should capitalize on Director Townend's expertise, for example, to limit the size of the building. Commissioner Marsilio agreed that the Director should spend time on this issue. Commissioner Frederick also noted that Director Townend has worked on all of the new county building projects and renovations and knows what she is talking about.

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### **THE WOODLANDS AT ROBINSON**

JoAnn Townend attending

Commissioner Frederick reported that Nursing Home Administrator Christa Mayes has advised that the Medicaid rate was decreased by much more than anticipated and that The Woodlands will see an estimated \$278,000 reduction in Medicaid reimbursement.

Commissioner Marsilio noted that Squire Sanders Attorney Mike Sharb is working on a proposal to represent the county in this matter. Denise Smith has advised the Board of Commissioners that they may hire outside counsel.

JoAnn Townend is working on the Mylar/plat of the site; Commissioner Marsilio talked to Mayor Bica about the street dedication, which should go smoothly. Commissioner Smeiles talked to Steve Colecchi about the land ownership; Mr. Colecchi needs to review the land use agreement and the legal description in the land use agreement for the nursing home.

Commissioner Smeiles asked who is preparing the bid specs for the sale of the nursing home. JoAnn Townend responded that she will work with Attorney Mike Sharb on the bid; she will have to look at the code to determine which section to use for the ad without declaring the facility excess. She remembered that both Attorneys Denise Smith and Mike Sharb have advised that the facility can be sold.

The Board of Commissioners has agreed to 1) sell the nursing home including the real estate subject to the Prosecutor's final review. Commissioner Marsilio noted that Denise Smith has advised that the board may hire outside counsel; the Board of Commissioners has agreed to get an estimated cost from Squire Sanders, as well as the detail as to how the sale will proceed. Once the proposal is received, the Prosecutor can go to the court for authorization to use outside counsel. Commissioner Smeiles asked if four months is an adequate time to sell the nursing home by the end of December? Director Townend responded yes. She reported that the current legal description is not for the entire parking area used by the nursing home. Tax Map has laid out the site and only one-half of the employee

parking lot behind the facility is included. A survey would be necessary to extend and include that lot in the site; the Board of Commissioners has already authorized the hire of Don Trocchio to do that survey.

The Board of Commissioners must do the following:

- A. Commissioner Marsilio agreed to draft a letter to Robinson Memorial Hospital advising that the Board of Commissioners is selling the nursing home including the land that it sits on, which is owned by the County. If the hospital disputes this, ask that the hospital let the Board of Commissioners know immediately. The Board of Commissioners will send Tax Map's GIS printout to Robinson Memorial Hospital along with the letter.
- B. JoAnn Townend to create the advertisement and bid specs with Attorney Mike Sharb for the sale of the facility
- C. The Board of Commissioners will hire Attorney Mike Sharb once his proposal arrives
- D. Mayor Bica has confirmed that the city can fast track the road dedication per Commissioner Marsilio
- E. The Board of Commissioners has already hired Don Trocchio to survey the parcels to include the entire parking lot

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**JOURNAL ENTRY**

August 29, 2011

Vol. 75, Page

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

- 1. After a lengthy discussion today as detailed in the Board's minutes, the Board of Commissioners agreed to look at the internal structure of the Commissioners' Office and Commissioners' departments to improve the delivery of services, incorporating what is working now and what can be enhanced as needed, possibly culminating in the creation of the position of a Commissioners' Administrator.
- 2. The Board of Commissioners agreed with regret to sell The Woodlands at Robinson nursing home facility. Internal Services Director JoAnn Townend to work with outside counsel to move this sale forward.

All in favor, motion carries unanimously.

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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 **August 29, 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 **11:47 AM**. 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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