

Thursday, September 1, 2011

The Board of County Commissioners met in regular session on **Thursday, September 1, 2011 at 9:30 AM** with the following members present:

Maureen T. Frederick

Tommie Jo Marsilio

Christopher Smeiles

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It was moved by Christopher Smeiles, seconded by Tommie Jo Marsilio to approve the meeting minutes of the August 30, 2011 meeting. All in favor, motion carries

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

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The Board of Commissioners discussed the Solid Waste Management District Policy Committee meeting that was held on August 31, 2011, which Commissioner Frederick attended. Commissioner Frederick advised that two Solid Waste District employees attended the policy meeting and posed questions and made several comments that the policy committee members in attendance wanted incorporated into the meeting min, or at least annotated. District employees have concerns that they would like brought before the Board of Commissioners. Commissioner Marsilio responded that she has personally met with the union representative Dave Richards and discussed the District; she is comfortable that the union representative has all of the details. She noted that the Board of Commissioners is not permitted to talk with union members and added that the union agreement must be honored and complied with. She wondered if there is a disconnect between the union members and union leadership.

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INTERNAL SERVICES

Present: JoAnn Townend

1. The Director contacted URS to discuss their request for a temporary easement for the project at the railroad tracks at Riverbend. The offer was \$330 for the easement, based on a comparison of easements in the area. The Director suggested a \$1,000 cost, which was accepted by URS; the Board of Commissioners accepted the offer/Resolution 11-0757
2. JoAnn Townend contacted the city of Kent to ask if they have access to a boundary survey for the proposed site of the Kent Courthouse; the city does not have one, but will need one. Architect Alan Renzi will give JoAnn Townend a timeframe as to when he needs that survey.
3. The Director talked to The Woodlands' surveyor who suggested a series of questions that she should ask the City of Ravenna Engineer regarding the facility, which she has done. The Board of Commissioners advised the Director that the current labor agreement includes successorship language and ends on June 30, 2012, information that will have to be included in the bid documents.

4. The Board of Commissioners agreed that the Director should work on the agreement with the Ruhlin Company for the construction management of the Kent Courthouse Project. The Board of Commissioners asked the Director to contact Joseph Zurzolo to discuss his comments on the proposed courthouse.

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RESOLUTIONS

1. Enter into a temporary license agreement permitting entry on County property located at 9501 Jefferson St., Streetsboro/11-760
2. Enter into a license agreement with Ryan's Staffing for use of the One Stop Building on 9/13/11 for recruitment services/11-761.
3. Enter into an agreement for DirecTV service for EMA for 12 months at a total cost not to exceed \$1,307.88/11-762.

The Director reported that the EOC has been reconstructed and had DISH Network service in the past. In the event that bad weather shuts down satellite service, to use the UHF antennas on the tower to access local channels. Commissioner Smeiles asked what the funding source is for this service – Director Townend replied HAZMAT Operations using leftover H1N1 funds and then Fund 1166. This service replaces and expands the DISH Network service.

4. Enter into an MOU with the County of Summit and Metro Swat for the purchase of a command vehicle and to set forth the rights & duties of its use/11-763

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HUMAN RESOURCES

Present: Karen U'Halie, Audrey Tillis, Michelle Ripley

1. The Board of Commissioners accepted the Director's recommendation that the Board terminate the Clemans, Nelson & Associates, Inc. Management consulting agreement. The Director noted that the firm provided tremendous and timely support but that Attorney Ron Habowski has advised that he can provide this service under his contract with the Board of Commissioners/Journal Entry
2. Proposed Policy Draft
 - A. Accrued Leave Pay-Out
Commissioner Marsilio asked if this proposed policy is a prudent move? Director Tillis responded that it would reduce liability in the future. Karen U'Halie agreed to contact Denise Smith to ask if she has contacted the other elected officials to determine their policies about sick leave accrual after retirement and rehiring. The proposed policy has no restriction on rehires using the Sick Leave Donation Program. Staff to make the changes to the policy and bring back for a final review.

B. Evacuation Policy

After the earthquake last week, Commissioner Frederick noted that she was at the Ravenna Courthouse and Riddle Block employees were out on the lawn, refusing to go back into the building without assurances of their safety. The Portage County Building Department Director went to the site and looked at the building.

Director U'Halie stated that the current policy addresses what to do during an earthquake but not after the event. Employees who left the facility during the earthquake actually put themselves in harm's way if there had been another larger shockwave. The issue is that the policy does not state when to re-enter a building. Director Randy Roberts walked through the building although the city building department is responsible to clear a building in such a case. SLCC Michelle Ripley suggested that the Board of Commissioners could enter into an MOU where appropriate to address this issue. She reminded the Board of Commissioners that there is only one building inspector for the entire county. Employees may refuse to work in imminent danger – an earthquake may qualify as imminent danger or it may not. Ms. Ripley suggested an update of the policy giving more direction to include what to do during and after an incident with proper jurisdictions and authorities working with Department of Homeland Security & Emergency Management. Should Maintenance check the boilers, electric, etc? Commissioner Smeiles pointed out that in this case the Ravenna Fire Department refused to investigate.

Commissioner Marsilio asked if the Human Resources Department is comfortable leaving the policy as it is written now until the department is at full staff again. What is the priority of this review? The Director and SLCC agreed that the Human Resources Department can respond with the policy as written. The Director noted that the policy is okay as written for now but suggested that the Board of Commissioners update the Person in Charge (PIC) listing immediately.

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Executive Assistant Charlene Badger attending to ask if the Board of Commissioners would like to place an ad in the Special 9-11 Edition of the Record-Courier. The Board of Commissioners agreed to consider an ad personally but not as a Board.

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The Executive Assistant reported that the 7.85 acres of county land proposed for fracking on Wayland Road in Palmyra/Paris is road rights-of-way along the roadways in the area. Commissioner Marsilio commented that she would consider a reasonable agreement for non-drilling lease on county land. She asked Commissioner Frederick and Commissioner Smeiles if they think that fracking is bad or would the Board consider this lease. Commissioner Frederick replied that she has reservations about fracking due to the tremendous amount of concern in the public mind. However, she is okay with scheduling a meeting.

Commissioner Marsilio would want to see the proposed amendment prior to the meeting and would want to get as much compensation as possible. She added that the standard lease does not require that the company fix anything other than water damage; the lease needs to include other items.

The Board of Commissioners agreed to meet with Chesapeake Energy – Clerk to schedule.

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11:35 AM lunch recess

1:00 PM Board of Commissioners reconvened

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STORM WATER COMMITTEE

Present: County Engineer Michael Marozzi, County Auditor Janet Esposito, Health Commissioner Duwayne Porter, Soil & Water Conservation District James Bierlair, Department of Budget & Finance Director Audrey Tillis, MS Consultant Shawn Arden

Discussion of the 2012 Storm Water Budget and the Storm Water Assessments.

Mr. Marozzi noted that the Committee is phasing out the consultant yearly. The goal is to approve the list of assessments predicated on the \$2.00/month ERU already approved by the Board of Commissioners. The budget and assessments are based on the \$2.00 per month fee. Mr. Arden commented that he has reduced Auditor/Treasurer fees in the 2012 budget from 3% to 2.5%, which goes to the General Fund.

Commissioner Frederick asked where the budget could be cut if the Board of Commissioners does not agree to keep the fee at \$2.00/month. Mickey Marozzi replied that about half of the projected increase is proposed to go to the Septic System Repair Fund.

Mr. Arden noted that the money is not used only for administrative functions but would include education parks, septic system funding assistance and identification of sensitive waters and contingency. James Bierlair added that the difference between the staff educators and education parks at the schools is at the Board of Commissioners' discretion. A school that applies for a credit for up to a 75% reduction requires training for teachers that meet state science standards using material supplied by the Storm Water District. Churches also qualify for training by the District. Commissioner Frederick commented that the proposed budget shows some redundancies in supplies and materials as well as educators and storm water specialist. Mr. Bierlair responded that the banners and materials available for the public at the Fair last week were paid for by Storm Water monies. The specialist will require surveying equipment while the educator will need different materials.

The County Auditor asked what system mapping is since the budget calls for up to \$100,000 for a GIS Specialist. The County Engineer responded that two interns/summer hires will be out in the field. The part-time GIS person in the budget is to provide outfall data points for the existing GIS, which will not be done by her staff. The Auditor wondered if there is any duplication in services and asked if the position should be shared with her office? Mickey Marozzi responded not according to her staff, Joe Reichlin. Mr. Arden commented that the intent is to have GIS work come in, separate from what the County Auditor's staff is doing, meaning that the money can go to a department, either the Auditor, Health Department, or Soil & Water. The County Auditor commented that the Tax Map and GIS is working very well with efficiencies and team work. Mr. Marozzi replied that the Committee has agreed to that from day one to work collaboratively to cut costs for the program sharing employees and/or equipment. Mr. Bierlair confirmed that he recently borrowed the GIS units from their federal partners in his office (USDA) at the cost of two new batteries, using resources as best they can.

Commissioner Marsilio asked if there was a budget line item in the 2011 budget for GIS Specialist? Mr. Arden responded yes at \$20,000. Mr. Arden added that more Ohio communities will be added to the program as permitted communities by the U.S. EPA this year under the Clean Water Act.

Commissioner Smeiles stated that Portage County is clearly on the leading edge in Storm Water Management, as well as recycling. He is frustrated that Portage County is in the lead. Mr. Arden responded that if Portage County was in non-compliance there was a chance of penalties being enforced. Commissioner Frederick remembered that the fine was up to \$10,000 per day.

Commissioner Smeiles asked, if the Board of Commissioners freezes this fee at \$2.00 with no future increase, can the county stay in compliance? Mr. Arden responded that the Committee would have to reduce the septic system assistance program and the budget would be tight. Commissioner Frederick stated that, in these tough times, it is difficult to ask residents to pay more fees. Mr. Arden replied that eight Ohio counties have formed a utility to manage the program; the others have taken on the duty without creating a District. Commissioner Smeiles commented that he is reassured that the Board of Commissioners did their job and are in compliance with EPA requirements. Mr. Arden reminded that Board that Portage County was in that situation in 2009; the Board had a conversation with the Prosecutor's staff and asked if they would be comfortable defending not creating the District.

Commissioner Smeiles suggested that the Board of Commissioners freeze the fee at \$2.00 per month per ERU raising it by 50 cents as agreed upon by resolution in 2009. Health Commissioner Porter stated that, if the District can get to \$2.00/month, he believes that the programs can be maintained; he added that the fee is still below the rest of the county and the rest of the state. Mr. Arden added that there are cities in addition to counties that have utility programs with fees at \$2-\$3 per month.

Commissioner Marsilio pointed out that everyone is charged the monthly fee but the proposal is to only give funds to those who qualify for septic system assistance. Mr. Arden replied that the assistance program is completely at the Board's discretion. The County Engineer noted that the EPA may consider an expansion of maintenance duties under a new permit. Health Commissioner Porter added that it is essential that the County come into at least partial compliance.

Commissioner Smeiles stated that this program is a changing and moving target. Without micromanaging the budget, since the Committee is "hands on", the Board of Commissioners needs to decide the policy matter, which is the fees. Can the Board of Commissioners agree that the fee should remain at \$2.00 per month per ERU at \$24.00 per year and be frozen there.

Commissioner Marsilio responded that she believes that Portage County is ahead of the curve and would prefer to leave the fee at \$18.00 [\$1.50/month] per year. Mr. Arden advised that he needs to run the user fees by the Auditor and would need a final fee amount by Wednesday morning [9-7-11] meaning that the Board of Commissioners can decide this question on September 6th. Commissioner Smeiles asked if the county can stay compliant at \$1.50 per month – Mickey Marozzi responded no.

Commissioner Marsilio asked if the 2011 budget can be changed to give more money to substantive services; Commissioner Smeiles stated in other words, prioritize. Mr. Arden replied that at the end of a five (5) year cycle, the requirements must be met.

Mr. Marozzi stated that the septic system assistance program would have to be eliminated if the Board agrees to stay at \$1.50/month. Mr. Porter added that all residents will get something back in an increase to the Portage County water quality.

Commissioner Smeiles commented that \$1.50 works with the elimination of the septic system assistance program. Mr. Bierlair asked how the public can be educated as required without additional assistance. He added that he is at the point where he cannot operate his office since he receives a match dollar for dollar from the state. The Storm Water money does not qualify for the match. The education piece is not about a measured result but about available materials.

Motion by Commissioner Smeiles to amend Resolution 09-0835 to maintain the annual user fee for parcels in the Portage County Storm Water District at \$18.00 annually for 2012 and beyond. Seconded by Commissioner Marsilio, motion carries/11-0764

The Board of Commissioners asked the Committee to bring back a reorganized budget for 2012. Mr. Arden will revise the assessment listing and get it to the Clerk early next week.

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SHERIFF – 2011 BUDGET DISCUSSION

Present: Sheriff Doak, Major Kelly, Audrey Tillis

The Board of Commissioners gave the Sheriff the copy of the August 30th letter from the Prosecutor's Office regarding the proposed confinement cost policy/Journal Entry.

Major Kelly stated that the Sheriff needs another \$211,000 to finish out 2011 even after the \$306,000 for road patrol plus the 911 funds of \$100,000. The Road Patrol/Law Enforcement line is \$22,000 short. Commissioner Smeiles noted that on June 7, 2011, the Board agreed that the Sheriff would take over the Security Division.

Director Audrey Tillis noted that when the \$20,000 cash advance comes back, Road Patrol will be covered. The \$20,000 cash advance will bring down the need for \$211,000. The budget also shows a \$72,000 overage for fuel charges and vehicle maintenance. Audrey Tillis reported that she is looking at the repair lines for the Sheriff and it showed that the reduction in 2010 to repairs was due to the purchase of new vehicles. Major Kelly noted that the Sheriff has already directed Road Deputies to not idle the vehicles. Commissioner Marsilio asked if there will be layoffs if the money is not coming? The response was yes.

Commissioner Frederick noted that the Sheriff is coming back later this month with the Judges et. al and wondered if that money is included in this mix. The Sheriff responded no – that is another discussion.

Commissioner Smeiles commented that the Board of Commissioners has canalized our departments with layoffs, raided the 911 Fund and the Reserve Fund is \$600,000. We need \$2.7 million for the carryover and cannot forget the cost of what HB 86 may require.

Audrey Tillis noted that all departments are at the mercy of the fuel rates; the Board has traditionally paid for costs associated with the cars. Commissioner Smeiles stated that it still looks like layoffs will be

necessary for the Sheriff. Major Kelly stated that he does not know where layoffs could occur since the current staff is already overburdened. The safest place to lay off would be the Jail with the closing of a pod.

Director Tillis stated that need is for \$211,000 minus \$70,000 from the General Fund for the car maintenance/fuel costs minus the \$20,000 cash advance coming in means the real need is for \$121,000. Commissioner Frederick commented that the budget is \$6.9 million out from requests to available budget. It is good news that the COPS grant was approved that will bring on six new officers for three years.

Commissioner Marsilio asked if the Board is inclined to make the Sheriff whole for the entire \$211,000? Major Kelly responded that they are looking at \$121,000 with the motor pool needs and the cash advance.

Commissioner Smeiles asked if the Judges have been asked to assist from the Security Funds. The Sheriff replied that the Judges have been considering a maximum of \$50,000 for only one quarter of the year. Those talks have been going on for the last six months.

Commissioner Smeiles thanked the Sheriff for his use of the Commissary, the taking over of cleaning and other incentives.

Director Tillis offered to meet with Ron Rost to review the numbers. If the Board covers the vehicle maintenance piece of \$70,000, the Sheriff hopes to get \$50,000 from the Judges and use the cash advance. The Director recommended that the Board take care of the Jail portion, cover the vehicle maintenance and fuel line and then work with Ron Rost on the proposed numbers.

Major Kelly and Sheriff Doak noted that they are very short of staff, as well. Commissioner Marsilio stated that she is in favor of giving the Sheriff as much money as the Board can. Commissioner Frederick agreed but noted that the Prosecutor also needs money. Director Tillis cautioned the Sheriff that this money is a one-time money to bridge the gap between 2011 and 2012 – the money will not be there next year. The Sheriff commented that if it is not the chiller, it will be something else that needs to be paid for.

Major Kelly reported that Judge Poland has questioned whether or not the Special Fund can be used to provide for security. The Sheriff responded that the Judges can pay for some security but not all of the security.

Commissioner Marsilio commended the Sheriff's staff located in the Administration Building who are professional and polite. Commissioner Smeiles observed that the big picture is that the county is \$6.9 million short for 2012 with no assistance in sight. He wondered if, for example, there could be a sales tax dedicated to law enforcement? The Sheriff responded that he cannot continue to operate without the budget to do so.

Given consideration of the discussion today, Director Tillis stated that she would be comfortable with making the Sheriff whole; Sheriff Doak agreed to work to get a commitment from the Judges and then come back to the Board of Commissioners.

The Major stated that these numbers are just to get by, not where the Sheriff needs to be.

Commissioner Smeiles stated that on June 7th, the Sheriff met with the Board of Commissioners and discussed possibly charging townships for road patrol and perhaps contracting out dispatch and charging to transport prisoners. Major Kelly responded that Judge Poland has advised that the charge to transport prisoners is the Sheriff's. The Sheriff added that contracting dispatch out would be a major liability. The Major asked if the Board of Commissioners is willing to accept the liability? Commissioner Smeiles replied that it is no different than the liability the Board of Commissioners has have. He recalled the Hiram Township fire where a house burned down. The Major responded that was a 911 error, not a dispatch error.

Commissioner Smeiles stated that the Sheriff needs to get creative and wondered if Brady Lake could contract with the Sheriff to provide police services, for example? The Major responded that the Sheriff always entertains any option.

Commissioner Marsilio commended the Sheriff and staff and thanked the Sheriff for coming in before the end of the year ahead of the curve. The Sheriff advised that he is beginning next week to meet to prepare for the labor negotiations.

Commissioner Smeiles stated that the Board can make the Sheriff whole this year but what happens next year? Director Tillis responded that the Board might consider a one-time supplemental to boost employee morale. Commissioner Marsilio responded that the one-time bonus would only go to employees who have not had an increase in the past and would depend on the carry-over.

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Brady Lake Village residents Dan Boyle and Laurel Archer

Mr. Boyle and Ms. Archer are attending to discuss matters in Brady Lake Village. Mr. Boyle noted that there are 513 residents trying to support a police and fire department and the roads are a mess; it is not working and there is not enough money to support the Village. Commissioner Frederick responded that the thinking now is to combine services wherever possible.

Mr. Boyle stated that the Village is on high-risk insurance – if he sues the Village, it would break them and finish their coverage. Commissioner Smeiles asked if Franklin Township is willing to expand their boundaries to accept the Village? Mr. Boyle responded that the township seems responsive but this has not been pursued. He is not welcomed in Village Hall and is banned from the meetings, he has been threatened by village workers, and was harassed by the Police Chief, and he may have no recourse but a lawsuit. The village has also refused to accept certified mailings that include a public records request.

Commissioner Marsilio stated that the residents may have to hire good legal counsel and move forward. Ms. Archer advised that she contacted Denise Smith who was quite rude to her. Commissioner Marsilio replied that the Board of Commissioners has no jurisdiction over the Prosecutor and/or his staff.

The residents thanked the Board of Commissioners for meeting with them.

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RESOLUTION No. 11-0755 - RE: **BILLS APPROVED AND CERTIFIED TO THE PORTAGE COUNTY AUDITOR FOR PAYMENT.**

It was moved by Christopher Smeiles, seconded by Tommie Jo Marsilio 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 September 1, 2011 in the total payment amount of **\$388,225.44 for Funds 0001-8101** 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:

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

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RESOLUTION NO. 11-0756 - RE: **WIRE TRANSFER APPROVED AND CERTIFIED TO THE PORTAGE COUNTY AUDITOR FOR PAYMENT.**

It was moved by Christopher Smeiles, seconded by Tommie Jo Marsilio 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 August 11, 2011 in the total payment amount as follows:

1. \$114,416.400 for Medical Mutual Claims-Fund 7101; and
2. \$5,106.59 - Take Care by Wage Works Contributions; and

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 authorizes the wire transfer for the charges relating to health benefits, as presented by the Portage County Auditor's Office:

Wire Transfer on Friday, September 2, 2011 \$ 114,416.40

Wire Transfer on Friday, September 2, 2011 \$ 5,106.59

and be it further

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

Roll call vote as follows:

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

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RESOLUTION NO. 11- 0757 - RE: TEMPORARY EASEMENT AGREEMENT BETWEEN THE BOARD OF COMMISSIONERS AND CSX TRANSPORTATION, INC. FOR THE CSX NATIONAL GATEWAY PROJECT FOR 0.5910 ACRES IN THE CITY OF KENT AND FRANKLIN TOWNSHIP, PORTAGE COUNTY OHIO.

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

WHEREAS, the Portage County Board of Commissioners is the current owner of 0.5910 acres part of original Franklin Township Lots Nos. 40 and 41 with no active parcel number assigned which is part of the Erie Lackawanna Main Line (aka Freedom Secondary line), located in the City of Kent and Franklin Township, Portage County, Ohio; and

WHEREAS, CSX Transportation needs the property for a bridge removal project identified as CSX/BG 115.67 & B 115.80/Kent consisting of 0.5910 acres identified as parcel 4 T and will need a temporary right of way easement for the duration of six (6) months; now therefore be it

RESOLVED, that the Board of County Commissioners, Portage County, Ohio does hereby agree to grant a six (6) month temporary easement to CSX Transportation for the CSX National Gateway project for the sum of One thousand and 00/100 dollars (\$1,000.00); and be it further

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

Voice Vote as Follows:

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

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RESOLUTION NO. 11-0758 - RE: ACCEPTANCE OF THEN AND NOW CERTIFICATIONS FOR PAYMENT.

It was moved by Christopher Smeiles, seconded by Tommie Jo Marsilio 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 **\$6,116.48** as set forth in Exhibit “A” dated **September 1, 2011** 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:

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

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RESOLUTION NO. 11-0759 - RE: AUTHORIZE SALE OF OBSOLETE EQUIPMENT BY PUBLIC AUCTION

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

WHEREAS, Michael A. Marozzi, Portage County Engineer, has advised this Board that three (3) pieces of equipment once used by the Portage County Engineer's Department are obsolete and unfit for the use for which said equipment was acquired; now therefore be it

RESOLVED, that the Board of Portage County Commissioners has determined that the herein described equipment is obsolete and unfit for the use for which said equipment was acquired, and be it further

RESOLVED, that said equipment will be sold at Public Auction, as prescribed by Section 307.12 of the Ohio Revised Code, for cash to the highest bidder; and be it further

RESOLVED, that Notice of Public Auction shall be posted in the office of the Portage County Auditor, the offices of the Portage County Commissioners and in the office of the Portage County Engineer. Further Notice of Public Auction shall be published in the Record Courier on Friday, September 2, 2011.

Date of Auction: Saturday - September 17, 2011

Time of Auction: 9:30 A.M.

**Location: Edinburg Auction Sales, Inc.
4029 State Route 14
Edinburg, Ohio**

Said equipment may be viewed from 9:00 A.M. to 5:00 P.M. Monday, Tuesday, Thursday and Friday at Edinburg Auction Sales, Inc.

Items being sold are as follows:

1997 Ford Pick-Up Truck F-350
Serial #1FTHF35H7VEB05596 (PCE Equipment #15)

2001 GMC Pick-Up Truck
Serial #1GTEC14V21Z303724 (PCE Equipment #6)

2002 Dodge Intrepid Four Door Sedan
Serial #2B3HD46R62H186180 (PCE Equipment #20)

and be it further

RESOLVED, that a copy of this resolution be filed with the Portage County Auditor and the Portage County Director of Internal Services; 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

WHEREAS, the County owns property located at 1081 W. Main St., Ravenna, Ohio known as the Portage County One Stop; and

WHEREAS, Ryan's Staffing wishes to use the One Stop Building on Tuesday, September 13, 2011 from 12:00 p.m. to 3:00 p.m. for recruitment and promotion of their services; now therefore be it

RESOLVED, that the Board of Portage County Commissioners does hereby agree to enter into a License Agreement between the Board and Ryan's Staffing, 2857 Riviera Dr., Akron OH 44333 for use of the One Stop Building on September 13, 2011 from 12:00 p.m. to 3:00 p.m. for recruitment and promotion of their services; 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:

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

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RESOLUTION NO. 11 0762

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RE: ENTER INTO AN AGREEMENT FOR DIRECTV SERVICE BETWEEN THE BOARD OF COMMISSIONERS OF PORTAGE COUNTY ON BEHALF ON THE PORTAGE COUNTY EMERGENCY MANAGEMENT AGENCY AND DIRECTV FOR BUSINESS.

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

WHEREAS, the Portage County Emergency Management Agency is in need of the ability to multiple news and weather during an emergency at the Emergency Operations Center; and

WHEREAS, DirecTV for Business is capable of providing the service necessary for monitoring; and

WHEREAS, funding for this service is within hazmat appropriations; now therefore be it

RESOLVED, that the Board of Portage County Commissioners does hereby agree to enter into an Agreement between the Board and DirecTV Business Service Center, P.O. Box 5392, Miami, FL 33152-4388; and be it further

RESOLVED, that the term of this agreement is twelve (12) months beginning September 1, 2011 until August 31, 2012, in an amount not to exceed Thirty-seven and 99/100 dollars (\$37.99) per month for the office information package; Five and 00/100 dollars (\$5.00) per months for local channels; and eleven (11) receivers at Six and 00/100 dollars (\$6.00) per month for a total of One thousand, three hundred-seven and 88/100 (\$1,307.88) for the first year; and be it further

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

Voice vote as follows:

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

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RESOLUTION NO. 11-0763 - RE: ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE PORTAGE COUNTY BOARD OF COMMISSIONERS, THE COUNTY OF SUMMIT AND METRO SWAT WITH REGARD TO THE TAG RDV F59 EDITION COMMAND VEHICLE.

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

WHEREAS, Metro Swat is a team of specially trained police officers and emergency medical personnel from participating political subdivisions which will respond to any incident where special weapons or tactics are needed to assist local police in incidents beyond their normal capabilities; and

WHEREAS, the Portage County Board of Commissioners and the County of Summit wish to purchase a TAG RDV F59 Edition Command Vehicle from the Armored Group, LLC to be used by metro SWAT; and

WHEREAS, the Command Vehicle will be purchased under Federal GSA pricing, for a total cost of \$117,812.25, of which two-thirds of the cost, or \$78,121.50, will be paid by Summit County and one-third of the cost, or \$39,060.75, will be paid by Portage County; and

WHEREAS, the Command Vehicle will be titled in the name of Metro SWAT and used by Metro SWAT; now therefore be it

RESOLVED, that the Board of Portage County Commissioners does hereby agree to enter into a Memorandum of Agreement (attached hereto as exhibit A) between the Portage

County Board of Commissioners, the County of Summit and Metro Swat to set forth the rights and duties of the parties concerning the Command Vehicle; and be if further

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

Voice vote as follows:

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

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RESOLUTION No. 11-0764 - RE: AMEND RESOLUTION 09-0835 TO REVISING CHARGES FOR THE USE OF THE PORTAGE COUNTY STORM WATER DISTRICT, FUND 6800 (STORM WATER MANAGEMENT), PURSUANT TO CHAPTER 6117, OHIO REVISED CODE.

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

WHEREAS, the federal regulations promulgated by the Federal Water Pollution Control Act, as amended (40 Code of Federal Regulations Part 122 et seq), referred to as NPDES (National Pollutant Discharge Elimination System) Storm Water Phase II Permit Program (the "Phase II Program"), the Ohio Water Pollution Control Act (Ohio Revised Code Chapter 6111), and Ohio Administrative Code Chapter 3745-39, referred to as Phase II Storm Water Rules – Small Municipal Separate Storm Sewer Systems (MS4), require dischargers of storm water from Small MS4s, including the County of Portage and various independent jurisdictions that own and/or operate a MS4, to obtain a permit from the Ohio Environmental Protection Agency and to develop a Storm Water Management Program under this permit that addresses the quality of storm water runoff; and

WHEREAS, Portage County and various independent jurisdictions that own and/or operate a MS4 within Portage County are required to comply with the regulations of the NPDES Phase II Program; and

WHEREAS, this Board of Commissioners established the Portage County Storm Water District by Resolution No. 09-0834, adopted on September 10, 2009, hereinafter referred to as the "District" for the purposes of implementing the Storm Water Management Plan for NPDES Phase II Program compliance; and

1. Approval of the meeting minutes from the August 30, 2011 regular Board meeting.
2. Approve bills as presented by the County Auditor and reviewed by the Department of Budget & Financial Management/11-0755
3. Approve the wire transfers as presented by the County Auditor/11-0756.
4. Approve the Journal Vouchers, as presented by the County Auditor/11-None.
5. Approve the Then & Now Certification, as presented by the County Auditor/11-0758.
6. Authorize the sale of obsolete equipment by public auction (County Engineer) /11-0759.

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INVITATIONS

September 1, 2011

1. Invitation from Family & Community Services for the 2011 Portage/Summit Senior Volunteer Recognition Luncheon, 10:00 AM Thursday, September 22, 2011 at the Ravenna Elks, 776 N. Freedom St., Ravenna. In addition, the Board is invited to present a proclamation on Thursday, September 22, 2011, 12:00-1:00 PM.
2. Invitation from Kent State Foundation Board for the groundbreaking of the Kent State University Hotel and Conference Center Monday, September 19, 2011, 11:00 AM, corner of Depeyster Street and Haymaker Parkway, Kent.

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INCOMING CORRESPONDENCE

September 1, 2011

1. August 24, 2011 correspondence from the County Engineer regarding the Board's purchase of county maps/Journal Entry.
2. August 25, 2011 notice from NEOTEC of the renewal of the agreement for the purchase of service with the NEOTEC for 2012/The Board of Commissioners agreed that this agreement is between the Board of Commissioners and the JOED and not the Portage Development Board and the JOED/Journal Entry.

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JOURNAL ENTRY

September 1, 2011

1. Board of Commissioners to acknowledge the receipt of the Portage County Prosecutor's Annual Report to the Fire Marshall's Office in accordance with ORC Section 5155.16.

2. The Board of Commissioners to acknowledge the receipt of the August 29, 2011 Certificate of the County Auditor that the Total Appropriations from each fund do not exceed the Official Estimate of Resources as presented by the County Auditor.
3. Board of Commissioners' authorization requested to have Commissioner Maureen T. Frederick sign the Ohio Community Development Block Grant Program Status Report on Grant Activity to Date for the B-N-10-1CJ-1 2010 New Horizons Grant B-N-10-1CJ-1 as presented by the Regional Planning Commission. Documents reviewed by the Department of Budget & Financial Management with no exceptions noted.
4. The Board of Commissioners received the Storm Water Program Illicit Discharge Detection and Elimination Update as presented by the Portage County Health Department.
5. Board of Commissioners' authorization requested to allow use of the One Stop building on Tuesday, September 13, 2011 for a hiring fair as presented by Ryan's Staffing.
6. Board of Commissioners' authorization requested to allow use of the 3rd Floor Veteran Services Office (Room 361) on Monday, September 26, 2011 from 4:30-7:00 PM for a Commission Meeting as requested by Robert Park, Veteran Services.
7. The Board of Commissioners received the August 30, 2011 Official Certificate of Estimated Resources for the year beginning January 1, 2012 as submitted by the Portage County Budget Commission (cc: Department of Budget & Financial Management).
8. The Board of Commissioners received the August 30, 2011 Amended Certificate of Estimated Resources for the year beginning January 1, 2011 as submitted by the Portage County Budget Commission (cc: Department of Budget & Financial Management).
9. Board of Commissioners' authorization requested to have Commissioner Fredericks sign four United States Bankruptcy Court, Northern District of Ohio Proof of Claims, as presented by the Portage County Water Resources Department for unpaid water and/or sewer bills as follows:

Name	Address	Amount	Account Number
James & Nikki Arbeznic	1236 Apache Pass Streetsboro, OH	\$329.06	402-14690-00
Johnny & Deborah Lee St. Clair	868 Greenhaven St. Streetsboro, OH	\$459.36	402-12710-00
Daniel & Beth Fish	4427 Cherryhurst Dr. Stow, OH	\$446.64	203-03880-00
Sherri Nicodemus	5646 Chadwell Cir. Ravenna, OH	\$540.81	305-19400-00

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REFERRED

September 1, 2011

1. Notice from the State of Ohio Department of Taxation for the request for information regarding the special audit of a motor vehicle title transfer. Referred to the Internal Services to comply.
2. Notice from the Ohio Department of Development of the 2011 Housing Conference on November 4-6, 2011 at Salt Fork State Park. Copy sent to the Regional Planning Commission and the Neighborhood Development Services.

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PLEASE ADD TO THE AGENDA

September 1, 2011

1. August 31, 2011 e-mail from Jason Segedy, AMATS, regarding an urgent item that requires Policy Committee approval before the next scheduled meeting October 5th/Information only
2. August 30, 2011 e-mail from Leigh Prugh Prosecutor’s Office, regarding Aurora Meadows claim/Information only.

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PROSECUTOR

September 1, 2011

1. August 30, 2011 correspondence from Chad Hawks, regarding confinement cost policy between the Board of Commissioners and the Sheriff’s Department/Discussion today with the Sheriff/Journal Entry.

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JOURNAL ENTRY

September 1, 2011

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

1. The Board of Commissioner acknowledged the receipt of the Portage County Prosecutor’s Annual Report to the Fire Marshall’s Office, in accordance with ORC Section 5155.16.
2. The Board of Commissioners acknowledged the receipt of the August 29, 2011 Certificate of the County Auditor that the Total Appropriations from each fund do not exceed the Official Estimate of Resources, as presented by the County Auditor.
3. The Board of Commissioners authorized Commissioner Frederick to sign the Ohio Community Development Block Grant Program Status Report on Grant Activity to Date for the B-N-10-1CJ-1 2010 New Horizons Grant B-N-10-1CJ-1, as presented by the Regional Planning Commission. Documents reviewed by the Department of Budget & Financial Management with no exceptions noted.
4. The Board of Commissioners acknowledged the receipt of the Storm Water Program Illicit Discharge Detection and Elimination Update, as presented by the Portage County Health Department.

5. The Board of Commissioners approved the request from Ryan’s Staffing of Akron for the use of the One Stop Building on Tuesday, September 13, 2011 for a hiring fair. Forwarded to the Internal Services Department to prepare the necessary agreement.
6. The Board of Commissioners authorized the use of the 3rd Floor Veteran Services Office (Room 361) on Monday, September 26, 2011 from 4:30-7:00 PM for a Commission Meeting, as requested by Robert Park, Veteran Services.
7. The Board of Commissioners acknowledged the receipt of the August 30, 2011 Official Certificate of Estimated Resources for the year beginning January 1, 2012, as submitted by the Portage County Budget Commission.
8. The Board of Commissioners acknowledged the receipt of the August 30, 2011 Amended Certificate of Estimated Resources for the year beginning January 1, 2011, as submitted by the Portage County Budget Commission.
9. The Board of Commissioners authorized Commissioner Frederick to sign four United States Bankruptcy Court, Northern District of Ohio Proof of Claims, as presented by the Portage County Water Resources Department for unpaid water and/or sewer bills as follows:

Name	Address	Amount	Account Number
James & Nikki Arbeznik	1236 Apache Pass Streetsboro, OH	\$329.06	402-14690-00
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Daniel & Beth Fish	4427 Cherryhurst Dr. Stow, OH	\$446.64	203-03880-00
Sherri Nicodemus	5646 Chadwell Cir. Ravenna, OH	\$540.81	305-19400-00

10. The Board of Commissioners signed the Personnel Action Form authorizing the full time permanent hire of Jennifer Lehman as a PCSA/SACWIS Program Evaluator (new position), as presented by the Job & Family Services Director Judee Genetin. The Board of Commissioners notes that this hire is contingent upon the applicant passing a pre-employment physical and drug screen.
11. The Board of Commissioners signed the Personnel Action form acknowledging the retirement of Cheri Kirkhart as an IM Worker 3 for the Portage County Department of Job and Family Services effective September 30, 2011, as presented by the Department of Job and Family Services Director Judee Genetin.
12. The Board of Commissioners authorized the purchase of 3,000 Portage County Highway Maps from the Portage County Engineer at a cost of \$0.73 each or \$2,190.00.
13. In accordance with Section 1.3 of the Agreement for Purchase of Service dated January 1, 2004 between the Northeast Ohio Joint Office of Economic Development (JOED) and the Board of Commissioners, the Commissioners agreed to take no action to stop the automatic

renewal of the agreement commencing January 1, 2012 and ending December 31, 2012. The Board noted that the dues of \$25,000 are in the 2012 Board of Commissioners' budget.

14. The Board of Commissioners signed the September 1, 2011 correspondence to Clemans, Nelson & Associates, Inc. terminating the current agreement with Portage County for consulting services, which will expire on November 5, 2011, as recommended by the Human Resources Department director.
15. The Board of Commissioners agreed that the Prosecutor's Office should prepare an agreement between the Board of Commissioners and the Sheriff's Department and an authorizing resolution that will allow the Board of Commissioners and Sheriff to move forward with the establishment of a Confinement Cost Policy that would allow the Sheriff to charge convicted inmates who serve a jail sentence for the costs of their confinement. The Board of Commissioners agreed that funds collected under this program will be transferred from the General Fund to the Sheriff's personnel budget lines.

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 September 1, 2011. There being no further business to come before the Board, it was moved by Christopher Smeiles, seconded by Tommie Jo Marsilio to adjourn the official meeting at 3:15 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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