

Tuesday, September 27, 2011

The Board of County Commissioners met in regular session on **Tuesday, September 27, 2011 at 8:30 AM** with the following members present:

Maureen T. Frederick

Christopher Smeiles

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It was moved by Christopher Smeiles, seconded by Maureen T. Frederick to approve the meeting minutes of the September 26, 2011 meeting. Commissioner Marsilio absent, motion carries

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

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PORTAGE COUNTY CRIMINAL JUSTICE SYSTEM – EFFECTS OF HB 86 DISCUSSION

Present: Sheriff Doak, Prosecutor Vigluicci, Judges Poland, Enlow, Pittman and Oswick; Auditor Esposito; Engineer Mickey Marozzi; Jim Eskridge, Adult Probation; Audrey Tillis, Department of Budget & Financial Management

Judge Enlow reported that, effective September 30, HB 86 will take effect. The bill is designed to clear out the state prisons and reduce overcrowding. The Judge noted that the jail population will increase and within the next three months, everyone in prison will be applying for release. All inmates over 65 will be reviewed for release, which will result in more hearings and an increase in the Adult Probation numbers. Overall, the state has taken non-violent felonies and said the county will have to handle them. The jail population was at 212 yesterday with 75-80% of the population being felons. The entire justice system will be strained as a consequence of this bill and will need additional funding. Judge Pittman reported that the Common Pleas Court is looking for grant funding; Judge Poland noted that the grant money comes with strings. Judge Pittman added that there is \$10 million available in grant funding but the grant is due immediately.

Judge Enlow commented that the courts will need to monitor the Jail more carefully with misdemeanor offenders possibly going onto a waiting list. The Sheriff may have to increase the number of jailers, and the bill will affect the county and all budgets.

Judge Pittman noted that the APA requires a study of the offender risk. Pre-Sentence Investigative writers (PSI) must evaluate all felons within 60 days; Portage County is now at 70-75 days. There is a need one or two more employees for the Adult Probation Department. Judge Enlow noted that caseloads were at 250 - 300 10 years ago and anticipated to be at 800-900 this year.

Judge Enlow suggested that the Board of Commissioners meet with the Sheriff and Judges to discuss other housing for DUI offenders, for example, for up to 30 days instead of housing offenders at the Jail.

Commissioner Frederick asked if there is a dollar amount fixed to the suggested two new Adult Probation employees; a PSI writer and one Probation Officer. Mr. Eskridge will work with Director Tillis

on the amount. Commissioner Frederick added that the Board invited all elected officials to this meeting since this issue will affect all departments.

Director Tillis asked if the 407 ad 408 grants will be increased? Mr. Eskridge will investigate and get that information to the Director.

Judge Oswick added that the Muni Court is desperately in need of another Probation Officer. Fees were increased to be used to make that hire. She noted that the offenders will not be able to afford an option to jailing, which is house arrest. Judge Poland added that Muni Court is trying to subsidize the Probation Department with the adjustment of fees but there is only so much Judges can do with the offenders.

Commissioner Frederick asked if the 2012 proposed budget included these numbers. The response was no; Director Tillis noted that the departments will be inputting the 2012 budgets soon. She added that there was a reduction in the Local Government Funds and that the Board of Commissioners is considering an increase to the employee share of health benefits for 2012.

Commissioner Frederick asked what facility could be used to house offenders. Judge Enlow responded that the Oriana House and NEOCAP could be used but that would reduce the availability of beds for others. The immediate need will be the Jail costs and the Adult Probation Department. He added that the program must run for a while to determine what else would be needed.

Judge Oswick asked if there is money out there for a new pod at the jail. Judge Enlow responded that it would be preferable to have a community center. Commissioner Smeiles suggested that the old Ravenna High School would be a possibility; Commissioner Frederick noted that the Records Center would not be a good use.

Commissioner Smeiles stated that the state has provided these mandates with no money associated and fees will not be able to cover the costs. The budget is flat and health benefit costs for employees are going to go up. The consultant has suggested an employee increase from 8% to around 10%. If SB 5 is not overturned, the cost for employees will go to 15%. Commissioner Frederick stated that the recommendation is to keep the health benefits intact but raise participation rates. The Board of Commissioners agreed to get the information out as soon as possible

Director Tillis will meet with the appropriate finance departments to continue the discussion.

Commissioner Frederick asked the Elected Officials to review their budgets to see where we can reduce.

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9:20 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(3), it was moved by **Maureen T. Frederick**, seconded by **Christopher Smeiles** that the Board of Commissioners move into executive session to conference with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. **Also present: Prosecutor Victor Viglucci.** Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Absent; Maureen T. Frederick, Yea.

9:25 AM Upon conclusion of the above referenced discussion, it was moved by **Maureen T. Frederick**, seconded by **Christopher Smeiles** that the Board of Commissioners move out of executive session. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Absent; Maureen T. Frederick, Yea.

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

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9:30 AM Commissioner Marsilio attending

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PROSECUTOR

Present: Denise Smith

Review of Prosecutor's Pending List

1. Cleveland Road (Former County Engineer's Facility)
Commissioner Frederick noted that there were five semi trucks and three personal vehicles in the lot over this past weekend.

Commissioner Smeiles and Commissioner Frederick agreed that they would authorize truck drivers to park in the Cleveland Road lot as long as they enter into an agreement with the county and provide liability insurance. Attorney Smith added that a lease agreement is the release the county must have. Commissioner Marsilio stated that she would be okay with a lease as long as the truckers pay fair market value. Commissioner Smeiles stated that the signage would still be placed at the site advising that any vehicle without a lease will be towed at the owner's expense.

2. There is no new information on the Beck Energy request or the One Community fiber cable request. Attorney Prugh sent a letter to each company with no response.
3. Sourcing Office – Attorney Smith noted that the Sourcing Office is not a Council of Governments but a single organization. She agreed that she will discuss this issue with a state representative. Portage County governments can band together to form a COG.
4. Commissioner Frederick asked Attorney Smith if she has sent out the correspondence to other Elected Officials reminding them that employees who retire and are rehired receive sick and vacation pay at the same level as a new employee. Attorney Smith will send that correspondence out ASAP.

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PROSECUTOR

September 27, 2011

1. September 19, 2011 correspondence from Attorney Leigh Prugh to Attorney David Sed regarding the Green Funeral Home issue/Executive Session today.

2. September 21, 2011 email from Attorney Denise Smith including the federal complaint Tommie Jo Marsilio v. Victor Vigluicci/Information only.
3. September 22, 2011 email from Attorney Denise Smith in response to the Commissioners' request that she begin the process to vacate the plat in the Timberstone Subdivision/Executive Session today.
4. September 23, 2011 email from Attorney David Brode regarding an employee request regarding his 457 Plan through Financial Network of America/Attorney Smith advised that the representative should contact Attorney Brode.
5. September 26, 2011 email from Attorney Leigh Prugh regarding the Timberstone Development/Executive Session today.
6. September 26, 2011 email from Attorney Denise Smith regarding the ODJFS Audit/Information only.

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10:00 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(3) and 121.22(G)(5), it was moved by **Tommie Jo Marsilio**, seconded by **Christopher Smeiles** 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 and to discuss employee information that must be kept confidential by law. **Also present: Attorney Denise Smith.** Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Absent; Maureen T. Frederick, Yea.

10:15 AM Upon conclusion of the above referenced discussion, it was moved by **Christopher Smeiles**, seconded by **Maureen T. Frederick** 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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THE WOODLANDS AT ROBINSON

Present: Christa Mayes, Allison Goudy, Jill Nelson, Karen U'Halie

The Nursing Home Administrator reported a census of 93 with one in the hospital, 19 Medicare residents and nine private pay residents.

The Board of Commissioners accepted the recommendation of the Nursing Home Administrator and accepted the quote for the repair to the downstairs shower/Journal Entry

The Nursing Home Administrator noted that there will be huge reductions in Medicare and Medicaid payments.

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10:15 AM 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 discipline, termination and hiring issues. **Also present:** Christa Mayes, Jill Nelson, Allison Goudy, and Human Resources Department Director Karen U’Halie. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

10:55 AM DON Nelson left the meeting

11:15 AM 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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11:15 AM The Board of Commissioners recessed to the Investment Advisory Board meeting.

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11:30 AM Lunch Recess

1:15 PM Board of Commissioners reconvened

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SHERIFF AND EMA DIRECTOR

Present: Sheriff Doak and Jon Barber

On August 10, 2011, electric service went down and over 5500 residents had no power. The Justice Center was also affected. Commissioner Frederick suggested this meeting today to discuss if and what could have been done to make this event move more smoothly. She wondered if, like after emergency exercises when participants come together to go through a de-briefing, a briefing should have been held to establish what may have worked and what could have worked better.

Sheriff Doak reported that, at the Justice Center, the computers, admin line, 911 and the Jail were all down during this particular event. The Sheriff added that current protocol calls for a dispatcher to go to the Ravenna PD when/if the county 911 goes down. The Sheriff noted that he has looked into dispatchers being able to use the reverse 911 system.

As a recap, Director Barber stated that he received a call from Major Kelly asking that he assist the Sheriff’s department with the events that were unfolding; the Hospital was also without power and going to emergency status. The most crucial need during this event was to get officers to major intersections to maintain traffic flow. Recent law has prohibited highway and county workers from placing traffic control devices at intersections where traffic lights are out. Therefore they either need to be maintained by law enforcement or rely on people remembering that it becomes a four way stop in an event of a power outage. Jon Barber noted that traffic signals were out at SR 14/SR 44, Infirmary Road and SR 14 but the city placed a generator at the SR 88/SR 14 intersection, which was operational. Jon Barber agreed to contact ODOT to discuss the addition of electric switches for the main intersections to alleviate the need for officers to direct traffic.

Director Barber assisted by sending out a notification to specials to respond and also assisted in relieving officers throughout the time at various intersections. He continued to receive updates as to the power situation throughout the event as well as updating the Board of Commissioners and the Sheriff. As the power began to get switched back, the phone system at the Justice Center went down. Director Barber responded to the Justice Center to notify the media and start a reverse 911 call to county residents notifying them of the phone issue and instructing them to call Ravenna City who was the Sheriff's backup for emergencies. He later learned it was due to a power surge at the phone company's office, but didn't know it at the time. He contacted AT &T for the 911 lines and he contacted JoAnn for the internal lines. Approximately 30 minutes later the power was restored to the Justice Center however, the generator did not switch off properly and there were some issue related to that. The Director contacted JoAnn Townend about that issue and she in turn contacted an electrician who was dispatched. Director Townend also informed him that the Juvenile Center also was without phones and AT&T confirmed that the phone issue was outside the building. The Director went to the intersection SR 44 & SR 14 with the light tower to provide lighting for the Deputies still on the scene there. That power was restored at approximately 9:00 PM and we were able to return to the Justice Center.

The Board of Commissioners agreed to ask JoAnn Townend to share the phone number for the telephone contractor used when the electric went down with Sheriff Doak so that he can contact the phone company directly. Director Barber also suggested that the Board authorize the hire of Rummel or another electrician to check the generators quarterly to make certain that they will work when they are needed.

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EMA DEPARTMENTAL REVIEW

Present: Jon Barber

The Director is meeting with the Board of Commissioners today for his departmental review. Director Barber submitted a detailed status report of the department, noting that the Department of Homeland Security & Emergency Management is the only agency in the county that serves every resident in the county.

Commissioner Marsilio asked for clarification on several items: Staff evaluations are not currently up to date but the Director will be up to date by staff's next anniversary date. The Director reported that he takes home his county vehicle to allow a shorter response time. Director Barber spends the time that it takes to do the job. John Mason works a four 10 hours per day schedule, which he is willing to change if need be. Mr. Mason spends Fridays working for the Suffield Fire Department, which is great training for Mr. Mason. Kellie Kepple works 7AM-4:00 PM Monday through Friday.

The Board of Commissioners thanked the Director for meeting with them today.

Grant Issue

Director Barber advised that he may not be able to use grant money to pay for the lease of the equipment garage. He would plan to use grant money to use grant funds to build Sheriff's communication system.

911 Issue

Commissioner Smeiles reminded the Board of Commissioners that they can impose a fee onto all households for 911 services.

The Director noted that at the last 911 Planning Committee Meeting when Dean Tondiglia stated that the county need not to do anything at this time to move to Next Generation at this time since the county Phase II compliant.

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DEPARTMENT OF BUDGET & FINANCIAL MANAGEMENT

Present: Audrey Tillis

RESOLUTIONS

1. General Fund Amendments to the Annual Appropriation Resolution/11-0842
 - a. Commissioners, Transfer – Adjust to projected need.
 - b. Commissioner Other, Transfer –
 - i. Microfilm – Alloc for Manager Position
 - ii. Common Pleas Court – Employee Separation Payoff
 - iii. Cash Advances – DBFM Transition
 - c. Building Security, Transfer – Cover Unemployment, balance out lines
 - d. Microfilm, Supplemental & Transfer – Alloc for Manager Position and Adjust for shortage.
 - e. Municipal Court, Transfer – Cover Shortage
 - f. Common Pleas Court, Supplemental & Transfer – To Cover Expenses and retirement payoff
 - g. Sheriff's Department, Transfer – Transfer to projected deficit objects.

2. Other Funds Amendments to the Annual Appropriation Resolution//11-0843
 - a. 1015, Real Estate Tax Prepayment – Supplemental, Adj to projected need
 - b. 1112, Sheriff Inmate Commissary – Transfer, Transfer to equipment purchase
 - c. 1160, Hazmat – Supplemental, Put budget in for Utilities
 - d. 1201, Motor Vehicle And Gas Tax – Supplemental, Required for Chip & Seal and Retirement payoff
 - e. 1301, Marriage Licenses – Supplemental, Exp based on Projected Revenues
 - f. 5200, PCS General Administration – Supplemental, Projected Need to Year End
 - g. 5400, PCW General Administration – Supplemental, Transfer budget to projected need.
 - h. 7040, Centralized Accounting Services – Supplemental, DBFM Transition to Internal Services Fund

3. Cash Advance Repayment from Fund 1105, Traffic Enforcement Program to Fund 0001, General Fund/11-0844

OTHER

4. Journal entry approval(s):
 - a. Processing Local Match – 2011 Emergency Management Performance Grant/Journal Entry

5. Discussion Memos/ Items:

- a. 911 Issue – Funding account and responsibility – the Director noted that only the Board of Commissioners can expend money from Fund 4008. She will watch the account; the Director noted that there is \$146,000 set aside for the CAD system and \$177,000 available at this time.

UPDATES

6. BOC On Hold/ Review In Process

- a. On Hold
 - i. The Recorder is working on her Equipment Set Aside Fund (FY 2011 Resolution for FY 2012)
 - ii. No news on the Park District Loan Extension Request – still waiting for Park District
 - iii. The Director will meet with the Sheriff’s financial staff regarding his funding request

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It was noted that the Law Library Board is looking into who has the authority to name the Law Library in honor of Dennis Zavinski.

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Commissioner Marsilio asked how the Board intends to handle the Prosecutor’s intent to host a meet and greet for Ohio Supreme Court Justice Yvette McGee Brown. She noted that both Commissioner Smeiles and Commissioner Frederick were invited to be on the host committee for this event. Commissioner Marsilio, an attorney, was not invited.

Commissioner Marsilio asked if other groups want to use the Prosecutor’s Office, will the Board of Commissioners agree to allow its use? She will vote no to allow a political event in a county office on a Saturday. Commissioner Frederick replied that she does not believe that this is a political event but simply a hosting of the Supreme Court Justice.

Commissioner Marsilio responded that the flyer circulating lists a number of elected officials and Craig Stevens is identified as the Democratic Committee Chairman. She stated that her point is that the Prosecutor’s Office will now be open to the public and the Board of Commissioners will not be able to refuse to allow that. Commissioner Smeiles commented that the Board of Commissioners was told in the past that they could not disapprove the use of the courthouse lawn for a hemp demonstration as long as the correct paperwork was completed. Commissioner Marsilio stated that it is a dangerous precedent to allow a private, secure venue to be used for a political event. Commissioner Frederick does not believe that this is a political event, simply a hosting of the Supreme Court Justice. Commissioner Marsilio wants to be sure that the Board of Commissioners understands the ramifications of a decision to allow this event to be held as planned.

Commissioner Frederick responded that she is not on a committee. Commissioner Smeiles stated that the required \$1.00 has been provided and the Board of Commissioners will waive the insurance and the requirement for security/Journal Entry approval with Commissioner Marsilio voting no.

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RESOLUTION No. 11-0835

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 September 27, 2011 in the total payment amount of **\$255,597.56 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:

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

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RESOLUTION No. 11-0836

RE: **APPROVAL OF JOURNAL VOUCHERS/ENTRIES.**

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

WHEREAS, the Ohio Revised Code requires that warrants be approved by the Board of Commissioners prior to their issuance, and

WHEREAS, there are other similar financial transactions defined as journal vouchers/entries that are dissimilar in that they are used to pay for charges for services from one county department and/or fund to another department and/or fund and thus are processed in lieu of issuing a warrant, and

WHEREAS, the Journal Vouchers/Entries are recommended by the County Auditor's Office for review and approval by the Board of Commissioners; now therefore be it

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

09/26/11	885	\$ 115,000.00
09/26/11	884	3,748.49
09/26/11	904	6,773.00

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RESOLUTION No. 11-0838 - RE: WIRE TRANSFER TO UNITED STATES DEPARTMENT OF AGRICULTURE 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:

WHEREAS, the invoice for the principal and interest payments related to the United States Department of Agriculture Bonds, Loan No. 92-04 and Loan No. 92-06 was approved and certified to the County Auditor for payment, contingent upon the review of Portage County Department of Budget and Financial Management or other designee on September 27, 2011 in the amount of \$188,967.25 as set forth in the Invoice Entry Proof List on file in the office of the Portage County Auditor; and be it further

RESOLVED, that the Board of Commissioners authorizes the wire transfer to the United States Department of Agriculture for the principal and interest payments for Loan No. 92-04 and 92-06 invoice as presented by the Portage County Auditor's Office:

- 1) Loan No. 92-04 – Randolph Twp Sewers - \$123,781.00
- 2) Loan No. 92-06 – St. Rt. 44 Sewer - \$65,186.25; and

Wire Transfer on Friday, September 30, 2011 \$188,967.25

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. 11-0839 - RE: WIRE TRANSFER TO FIRST MERIT BANK N. A. 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:

WHEREAS, the invoice for the principal and interest payments related to the 2010 note issuance was 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 27, 2011 in the amount of \$1,564,166.95 as set forth in the Invoice Entry Proof List on file in the office of the Portage County Auditor; and be it further

RESOLVED, that the Board of Commissioners authorizes the wire transfer to First Merit Bank N.A. for the principal and interest payments for the 2010 note invoice as presented by the Portage County Auditor's Office:

Wire Transfer on Thursday, September 29, 2011 \$ 1,564,166.95

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. 11-0840 - RE: PORTAGE COUNTY BOARD OF COMMISSIONERS INTENT TO REQUIRE THE COMPLETION OF ROAD AND DRAINAGE IMPROVEMENTS IN THE PLEASANT LAKE SUBDIVISION IN BRIMFIELD TOWNSHIP, PORTAGE COUNTY, OHIO.

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

WHEREAS, the Portage County Board of Commissioners adopted Resolution 06-0322 on April 18, 2006 agreeing to accept an Irrevocable Standby Letter of Credit and the Performance Agreement for Construction of Street, Storm Sewer And Drainage Improvements in the Pleasant Lakes Subdivision in Brimfield Township, Portage County [Standby Letter of Credit No. SCL012337] between Pleasant Lakes, LLC. (owner/developer) and National City Bank, in the full and just sum of One Hundred Ninety Five Thousand, Six Hundred Sixty Dollars and Zero Cents (\$ 195,660.00) and

WHEREAS, the Portage County Board of Commissioners is aware that the road and drainage improvements have not yet been completed in accordance with the Performance Agreement; now therefore be it

RESOLVED, that the Board of Portage County Commissioners does hereby agree that the Board intends to require that the road and drainage improvements be completed in accordance with the Performance Agreement; and be it further

RESOLVED, that a copy of this resolution be filed with the Portage County Engineer and the Receiver for Pleasant Lakes, LLC; 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. 11-0841 - **RE: APPROVE PLANS AND SPECIFICATIONS AND SET DATE FOR ACCEPTING BIDS FOR THE FRANKLIN TOWNSHIP STATE ROUTE 59 SIDEWALK PROJECT, PHASE I, ALONG THE NORTH SIDE OF STATE ROUTE 59 FROM THE CITY OF KENT EAST CORPORATION LINE EAST TO RHODES ROAD IN FRANKLIN TOWNSHIP, PORTAGE COUNTY.**

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

WHEREAS, the Portage County Engineer, on behalf of Franklin Township, has secured 80% federal funding through the Akron Metropolitan Area Transportation Study (AMATS) for the construction of the State Route 59 Sidewalk Project, Phase I, in Franklin Township, Portage County, and

WHEREAS, the Portage County Engineer has received LPA Agreement No. 24327 from the Director of the Ohio Department of Transportation for this project, and

WHEREAS, plans and specifications for this project have now been completed and are on file with the Portage County Commissioners and the Portage County Engineer; now therefore be it

RESOLVED, that plans and specifications, as submitted, are approved for furnishing all labor, materials and equipment necessary for the construction of the State Route 59 Sidewalk Project, Phase I, in Franklin Township, Portage County, and be it further

RESOLUTION No. 11-0842

RE: AMENDMENT TO THE GENERAL FUND 2011
ANNUAL APPROPRIATION RESOLUTION NO.
10-1142 ADOPTED DECEMBER 16, 2010.

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

RESOLVED, that it has become necessary to amend the General Fund 2011 Annual Appropriation in the amounts and for the purposes set forth in the enumeration shown below:

		<u>Increase</u>	<u>Decrease</u>
Fund: 0001	General Fund		
	001 Commissioners		
00013	Commissioners Fringes	1,475	-
00014	Commissioners CS	13,690	-
00015	Commissioners MS	0	3,100
00016	Commissioners CO	0	11,965
00019	Commissioners ME	0	100
	MEMO TOTAL	<u>\$ 15,165</u>	<u>\$ 15,165</u>

Note: Adj to Proj Need

	010 Commissioners Other		
00107	Commissioner Other OE	0	133,113
00109	Commissioner Other ME	100,000	-
	MEMO TOTAL	<u>\$ 100,000</u>	<u>\$ 133,113</u>

Note: Cash Flow for DBFM Transition Alloc for Manager Pos. BOC Appr JE#10 9/20/11

	015 Building Security		
00153	Building Security Fringes	11,734	-
00154	Building Security CS	800	1,185
00155	Building Security MS	0	400
0015D	Building Security Full Time	0	2,667
0015E	Building Security Part Time	0	8,282
	MEMO TOTAL	<u>\$ 12,534</u>	<u>\$ 12,534</u>

Note: Cover Unemployment

	<i>Increase</i>	<i>Decrease</i>
017 Microfilm		
00173 Microfilm Fringes	7,819	-
00174 Microfilm CS	0	100
00175 Micorfilm MS	100	-
0017D Microfilm Full Time	15,542	-
MEMO TOTAL	\$ 23,461	\$ 100

Note: Alloc for Manager Pos. Adj for shortage

520 Municipal Court		
05203 Municipal Court Fringes	545	-
0520D Municipal Court Full Time	12,523	-
0520E Municipal Court Part Time	0	13,068
MEMO TOTAL	\$ 13,068	\$ 13,068

Note: Cover shortage

530 Common Pleas Court		
05304 Common Pleas Court CS	0	1,000
05305 Common Pleas Court MS	1,000	-
0530O Common Pleas Retirement	9,752	-
MEMO TOTAL	\$ 10,752	\$ 1,000

Note: To cover expenses Retirement pay off

700 Sheriff's Department		
07003 Sheriff-General Fringes	0	1,000
07004 Sheriff-General Admin CS	3,500	-
07105 Sheriff-Corrections MS	3,500	-
0710E Sheriff-Corrections Part Time	10,000	-
0710M Sheriff-Corrections Overtime	0	19,000
07203 Sheriff-Detectives Fringes	5,000	-
07403 Sheriff-Dispatch Fringes	0	2,000
MEMO TOTAL	\$ 22,000	\$ 22,000

Note: Trf \$ to projected deficit

TOTAL MEMO BALANCE ALL AMENDMENTS	\$ 196,980	\$ 196,980
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; and be it further

RESOLVED, that the notes of explanation in this resolution are for informational purposes only and are not intended to restrict the expenditure of those appropriated funds to any single purpose. Such funds are for the use of all expenditures that are lawful under the approved appropriation; and be it further

RESOLVED, that a certified copy of this resolution be filed with the 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 as Follows:

Maureen T. Frederick, Yea;

Tommie Jo Marsilio, Yea;

Christopher Smeiles, Yea;

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RESOLUTION No. 11-0843

RE: AMENDMENT TO THE NON GENERAL FUND 2011 ANNUAL APPROPRIATION RESOLUTION NO. 10-1143 ADOPTED DECEMBER 16, 2010

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

RESOLVED, that it has become necessary to amend the Non General Fund 2011 Annual Appropriation in the amounts and for the purposes set forth in the enumeration shown below:

	<u>Increase</u>	<u>Decrease</u>
Fund: 1015 Real Estate Tax Prepayment		
200 Treasurer		
10153 Real Estate Tax Prepay Fringes	3,310	-
1015D Real Est Tax Prepay Full-Time	7,043	-
MEMO TOTAL	<u><u>\$ 10,353</u></u>	<u><u>\$ -</u></u>

Note: Adj to Project Need

Fund: 1112 Sheriff Inmate Commissary		
700 Sheriff's Department		
11125 Sheriff Inmate Commissary MS	-	4,000
11126 Sheriff Inmate Commissary CO	6,000	2,000
MEMO TOTAL	<u><u>\$ 6,000</u></u>	<u><u>\$ 6,000</u></u>

Note: Trf \$ for eqpt. purchase

Fund: 1160 Hazmat Operations		
930 Emergency Management Agency		
11604 Hazmat Operation CS	1,000	-
MEMO TOTAL	<u><u>\$ 1,000</u></u>	<u><u>\$ -</u></u>

Note: Put budget in for

Fund: 1201 Motor Vehicle And Gas Tax		
800 Engineer's Department		
12015 Motor Vehicle/Gas Tax MS	162,160	-
12016 Motor Vehicle/Gas Tax CO	-	117,160
1201O Motor Vehicle/Gas Tx Payoff	1,994	-
MEMO TOTAL	<u><u>\$ 164,154</u></u>	<u><u>\$ 117,160</u></u>

Note: Required for Chip and Retirement Payoff

	<i>Increase</i>	<i>Decrease</i>
Fund: 1301 Marriage Licenses		
560 Probate Court		
13014 Marriage Licenses CS	5,000	-
MEMO TOTAL	<u><u>\$ 5,000</u></u>	<u><u>\$ -</u></u>

Note: Exp Based on Proj Rev

Fund: 5200 PCS General Administration		
060 Water Resources		
5200M Portage County Sewer Overtime	11,300	-
MEMO TOTAL	<u><u>\$ 11,300</u></u>	<u><u>\$ -</u></u>

Note: Project Need to YE

Fund: 5400 PCW General Administration		
060 Water Resources		
54003 Portage County Water Fringes	4,200	-
5400D Portage County Water Full Time	10,000	14,200
MEMO TOTAL	<u><u>\$ 14,200</u></u>	<u><u>\$ 14,200</u></u>

Note: Trans Bud to Project

Fund: 7040 Centralized Accounting Service		
011 Budget & Financial Management		
70403 Central Acctg Serv FullTime	43,500	-
70404 Centralized Accounting Serv CS	15,500	-
70405 Centralized Accounting Serv ME	14,500	-
70406 Centralized Accounting Serv CO	5,500	-
7040D Central Acctg Serv FullTime	117,000	-
7040E Central Acctg Serv Part-Time	15,000	-
7040M Central Acctg Serv Overtime	1,000	-
MEMO TOTAL	<u><u>\$ 212,000</u></u>	<u><u>\$ -</u></u>

Note: DBFM Transition to Internal Services Fund

TOTAL MEMO BALANCE FOR ALL FUNDS	<u><u>\$ 424,007</u></u>	<u><u>\$ 137,360</u></u>
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; and be it further

RESOLVED, that the notes of explanation in this resolution are for informational purposes only and are not intended to restrict the expenditure of those appropriated funds to any single purpose. Such funds are for the use of all expenditures that are lawful under the approved appropriation; and be it further

RESOLVED, that a certified copy of this resolution be filed with the 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 as Follows:

Maureen T. Frederick, Yea;

Tommie Jo Marsilio, Yea;

Christopher Smeiles, Yea;

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2. Approve bills as presented by the County Auditor and reviewed by the Department of Budget & Financial Management/11-0835
3. Approve the Journal Vouchers, as presented by the County Auditor/11-0836.
4. Approve the Then & Now Certification, as presented by the County Auditor/11-0837.
5. Approve wire transfers to the USDA and certify to the Portage County Auditor for payment, as presented by the Department of Budget & Financial Management/11-0838.
6. Approve wire transfers to First Merit Bank N.A, and certify to the Portage County Auditor for payment, as presented by the Department of Budget & Financial Management/11-0839.
7. Resolution of intent to require the completion of road and drainage improvements in the Pleasant Lake Subdivision, Brimfield Township, Portage County, as suggested by and reviewed by Attorney Leigh Prugh/11-0840.
8. Resolution to approve the plans and specs and set the date for accepting bids for the Franklin Township SR 59 Sidewalk Project, Phase I along the north side of SR 59 from the city of Kent East corporation line east to Rhodes Road in Franklin Township, as presented by the County Engineer/11-0841.

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INVITATIONS

September 27, 2011

1. Notice of the AMATS 2011 Annual Meeting on Friday, October 21, 2011 beginning at 8:30 AM and ending at 2:00 PM. The meeting will be held at the Sheraton Suites in Cuyahoga Falls.
2. Invitation to the Sweet Sixteen Birthday Party for the County Clothing Center on Sunday, October 9, 2011 from 2:00 – 4:00 PM at the United Methodist Church of Kent, 1435 East Main Street in Kent.

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INCOMING CORRESPONDENCE

September 27, 2011

1. The Board of Elections presents the dates and times that their office will be open in preparation of the November 8, 2011 General Election. Forwarded to Captain McRitchie and JoAnn Townend./Forward to the Department of Budget & Financial Management for their files and information.
2. September 21, 2011 correspondence from Sheriff Doak regarding the FEAR System/Forwarded to JoAnn Townend for discussion during her next meeting.
3. James G. Zupka presents the Portage County Single Audit Report for the year ending December 31, 2010/Journal Entry.

4. September 23, 2011 correspondence from the Ohio Department of Job and Family Services regarding the Portage County Regular Audit for 2007/Received and action taken by Journal Entry on September 22, 2011.
5. September 22, 2011 correspondence from Attorney Stephen Smith, Portage County Bar Association President, urging the Board of Commissioners to name the Law Library after Attorney Dennis Zavinski/Information only at this time
6. September 21, 2011 request from Family & Community Services for the available funds for the Portage County Marriage and Divorce Decree Fees for the period January 1, 2012 to December 31, 2012, in accordance with the Ohio Revised Code. A draft resolution is included for Board consideration. All applications for funding must be received by the Board of Commissioners by October 1st yearly/11-0845. The Board of Commissioners agreed to consider advertising the availability of this funding next year.
7. On October 12, 2010, the Board of Commissioners adopted Resolution 10-0939 to amend the 2011 Subsidy Grant Plan for the Portage County Juvenile Court. The Board of Commissioners was copied on a September 12, 2011 correspondence from the Portage County Juvenile Court Fiscal Officer to the Ohio Department of Youth Services advising that the reconciled cash balance as of June 30, 2011 of \$122,668.29 and the FY 2011 carryover amount do not match, as required due to the following/Journal Entry
 - A. \$15, 918.60 reimbursements from Portage County for grant funded employees' insurance payments.
 - B. A total if \$612.82 in reimbursement for services from vendor(s) over-payments.
8. The Board of Commissioners agreed to order nameplates for the Board Room/Hold for the installation of the videoconferencing equipment.

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JOURNAL ENTRY

September 27, 2011

1. Commissioner Frederick to sign the Disbursement Request for the OPWC Project #CGU20 – Coit Road Bridge Replacement, as presented by the Portage County Engineer.
2. The Board of Commissioners acknowledged the receipt of the Sheriff's Office Transporting Report for the Month of August 2011, in accordance with ORC 325.07, as presented by Sheriff Doak.

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INFORMATION ONLY

September 27, 2011

1. September 22, 2011 correspondence from Robinson Memorial Hospital President and CEO correcting his statement in a September 12, 2011 correspondence when he referred to the next Board of Trustees meeting as being on October 26th and not September 28, 2011.

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JOURNAL ENTRY

September 27, 2011

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

1. The Board of Commissioners authorized Commissioner Frederick to sign the Disbursement Request for the OPWC Project #CGU20 – Coit Road Bridge Replacement, as presented by the Portage County Engineer.
2. The Board of Commissioners acknowledged the receipt of the Sheriff’s Office Transporting Report for the Month of August 2011, in accordance with ORC 325.07, as presented by Sheriff Doak.
3. The Board of Commissioners signed the Personnel Action Form authorizing an end of probation increase for Sarah Grimm, Social Services Worker 3, from Range H (\$12.76/hour) to Range J (\$13.79/hour) effective September 24, 2011, as presented by the Department of Job & Family Services Director.
4. The Board of Commissioners signed the Personnel Action Form authorizing an end of probation increase for Kelly Davis Social Services Worker 3, from Range H (\$12.76/hour) to Range J (\$13.79/hour) effective September 24, 2011, as presented by the Department of Job & Family Services Director.
5. The Board of Commissioners acknowledged the receipt of the Portage County Single Audit Report for the year ending December 31, 2010, as presented by James G. Zupka C.P.A., Inc.
6. On October 12, 2010, the Board of Commissioners adopted Resolution 10-0939 to amend the 2011 Subsidy Grant Plan for the Portage County Juvenile Court. Today, the Board of Commissioners acknowledged the receipt of a September 12, 2011 correspondence from the Portage County Juvenile Court Fiscal Officer to the Ohio Department of Youth Services advising that the reconciled cash balance as of June 30, 2011 of \$122,668.29 and the FY 2011 carryover amount do not match, as required due to the following:
 - A. A \$15,918.60 reimbursement from Portage County for grant funded employees’ insurance payments.
 - B. A total of \$612.82 in reimbursement for services from vendor(s) over-payments.
7. The Board of Commissioners signed the September 27, 2011 correspondence to the Portage County Auditor requesting that staff process the Local Match for the 2011 Emergency Management Performance Grant, as presented by the Department of Budget & Financial Management as follows:

	Org.	Object.	Project	Amount	Description
Debit	00100004	492100	-	\$26,097.00	Local Share
Credit	11669301	194000	0A042	\$26,097.00	Local Share/Match

8. On September 20, 2011, the Board of Commissioners accepted the recommendation of The Woodlands at Robinson staff and accepted the resignation of RN Michelle Synderburn, effective October 1, 2011.

Today, the Commissioners accepted staff recommendation and agreed that RN Michelle Synderburn will go to PRN status (as needed, not consistently scheduled) and extend her resignation to be effective October 14, 2011.

9. After meeting in an Executive Session with The Woodlands at Robinson staff, the Board of Commissioners approved a three day working suspension for an Assistant Activity Director for attendance issue. The days of suspension are September 28, 29, and October 3, 2011.
10. After meeting in an Executive Session with The Woodlands at Robinson staff, the Board of Commissioners approved a three day working suspension for a Dietary Worker for job performance. The days of suspension are October 4, 5, and 6, 2011.
11. The Board of Commissioners accepted the recommendation of the Nursing Home Administrator and accepted the proposal of PTM, Inc. Portage Tile & Marble Co. of Kent, Ohio, for the repair of the first floor rear handicap shower at The Woodlands at Robinson for \$4,370.00.
12. The Board of Commissioners authorized Attorney Denise Smith to send a written appeal to the Ohio Public Employees Retirement System (OPERS) in the matter of the determination for a former employee.

All in favor, motion carries.

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JOURNAL ENTRY II
September 27, 2011

Motion by Christopher Smeiles, seconded by Maureen T. Frederick to authorize the Portage County Prosecutor to use his offices at 241 South Chestnut Street to host a “meet and greet” for Ohio Supreme Court Justice Yvette McGee Brown from 3:00 PM – 4:00 PM on Saturday, October 1, 2011. Forwarded to the Internal Services Director to prepare the necessary agreement. Commissioner Marsilio voting no, 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 27, 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 **3:00 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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