

Tuesday, October 4, 2011

The Board of County Commissioners met in regular session on **Tuesday, October 4, 2011 at 9:35 AM** with the following members present:

Maureen T. Frederick

Tommie Jo Marsilio

Christopher Smeiles

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It was moved by Tommie Jo Marsilio, seconded by Christopher Smeiles to approve the meeting minutes of the September 29, 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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PROSECUTOR

Present: Denise Smith

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Prosecutor's Correspondence

1. September 27, 2011 email from Attorney Denise Smith including a consulting services agreement draft/Board of Commissioners to review and discuss next week with Attorney Smith.
2. September 30, 2011 email from Attorney Leigh Prugh regarding the Pleasant Lakes Subdivision/Information only.
3. September 30, 2011 correspondence from Attorney Leigh Prugh to the attorney for the Timberstone Subdivision/Resolution 11-0869 begins the road vacation process.
4. September 28, 2011 correspondence from Attorney Denise Smith requesting Board of Commissioners' signatures on the application to employ outside legal counsel/Journal Entry.
5. September 30, 2011 email from JoAnn Townend to Denise Smith regarding the Kent City purchase of land for the Portage County Courthouse/The Board of Commissioners agreed that Attorney Smith should contact Jim Silver and Dave Williams to discuss the proposed agreement.

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Robinson Memorial Hospital

The Board of Commissioners discussed the two correspondences from Robinson Memorial Hospital CEO Steve Colecchi regarding the proposed conversion of Robinson Memorial Hospital to not-for-profit status. The Board of Commissioners will read the documents to make certain what the proposal entails and then talk to Attorney Smith at her next meeting on October 11, 2011.

Commissioner Smeiles stated that, if the Board of Commissioners will not agree to move forward because the citizens are against the proposal, Robinson Memorial Hospital does not want to incur the legal fees.

Commissioner Frederick stated that it appears that the public is against the proposal. Commissioner Smeiles noted that there were about 12 citizens and 100 employees at the public meeting last week. Commissioner Frederick commented that employees can make or break a business. Commissioner Frederick stated that the Board of Commissioners must make the decision based on what is best for the hospital.

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NURSING HOME

Present: Christa Mayes, DON Jill Nelson, Allison Goudy, Denise Smith, Karen U’Halie

The Nursing Home Administrator reported a census of 88 with 15 Medicare residents and two private pay residents.

The Nursing Home Administrator reported that the shower repair is ongoing but now the drain is an issue; it must be fixed before the shower is fixed. She will need to bring in a plumber to make the fix and suggested getting two quotes, which she will work on today.

2006 ODJFS Cost Report

The Nursing Home Administrator advised that this report has been finalized and is being reviewed by the consultants before being returned to the state. She added that the settlement was reduced from \$22,668 to \$9,451.69.

Print Shop

The Nursing Home Administrator reported that the nursing has had too many charges from the Print Shop and that the pricing is higher than a private company would charge. The Board of Commissioners noted that the Print Shop is an internal service and charges will follow work done.

Vehicle

Commissioner Smeiles commented that he learned from B.K. Hall that she has been absorbing the cost of taking her private vehicle while visiting hospitals in Cleveland, Akron, Youngstown, etc. marketing The Woodlands. The Nursing Home Administrator commented that she encourages staff to turn in receipts for reimbursement. Commissioner Smeiles suggested that the Board of Commissioners dedicate a vehicle for nursing home staff use/Journal Entry.

The Board of Commissioners agreed that Attorney Smith should send a termination notice to MultiCare effective close of business on October 31, 2011/Journal Entry.

The Board of Commissioners agreed that they would extend B.K. Hall’s status as a temporary full-time employee if that is necessary.

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10:30 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 a hiring issue. **Also present:** Christa Mayes, DON Jill Nelson, Allison Goudy, Human Resources Department Director Karen U’Halie, and Attorney Denise Smith. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

10:500 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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INTERNAL SERVICES DIRECTOR JOANN TOWNEND

Annex Electrical Issue

The Director is attending to update the Board of Commissioners on the electrical issue at the Annex. The original breaker was still in use from when the facility was a home for the nurses. The system was never designed to be an office building with the current load. She added that the breaker did what it was supposed to do.

Ohio Edison will get temporary power to the building ASAP and then install separate service to the building. Today and tomorrow, the displaced workers will be relocated to the One Stop Facility and the JFS computer lab to keep all working. She added that the Children Service staff has county issued cell phones to use.

The Director reported that the installation of the new electric service will not be cheap but construction fund monies can be used.

Nursing Home Vehicle

The Director received the notice that the Board of Commissioners wants to dedicate a vehicle to the nursing home. She reported that the Motor Pool does not have a vehicle to dedicate to the nursing home. She added that the RFP for the sale of the facility does not include a vehicle, which should not be included in the sale. The Board of Commissioners agreed. Commissioner Frederick asked if it is possible to just have the nursing home schedule a car through the Motor Pool? Commissioner Marsilio responded that staff may need a vehicle on short notice – there may not be enough time to get a car through the Motor Pool.

The Director will contact the nursing home to discuss the possible scheduling of a county car. The second option would be to take a pool car out of service to dedicate. Commissioner Smeiles asked if the nursing home can afford to lease a car for the nursing home? The Director responded that if that is something that the nursing home can afford, she will look at that option and get back to the Board of Commissioners. She asked if the Board would consider leasing a foreign vehicle. Commissioner Marsilio replied yes; her consideration is money. She added that the nursing home needs a small vehicle with big trunk space.

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RECORDER/DEPARTMENT OF BUDGET & FINANCIAL MANAGEMENT

Present: Bonnie Howe, Audrey Tillis

The Recorder presented an October 1, 2011 correspondence detailing her request for the continuation of the Set Aside Fund for the equipment needs for the Recorder’s Office in accordance with ORC 317.321. The Recorder is requesting \$3.00 [of the \$28 now collected] for a two year period to be used to purchase a Plat/Reader, scanning equipment and a redacting program/Journal Entry the receipt of

the letter. Clerk to schedule a meeting on October 25, 2011 for the Board of Commissioners with the Recorder in accordance with the ORC.

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DEPARTMENT OF BUDGET & FINANCIAL MANAGEMENT

Present: Audrey Tillis

RESOLUTIONS

1. Create Fund 1902, Franklin Township Sidewalk/11-0861
2. Cash Advance from Fund 0001, General Fund to Fund 4011, Regional Planning Parking Lot/11-0862
3. Cash Advance from Fund 0001, General Fund to Fund 7040, Centralized Accounting Services/11-0863
4. Close Fund 1164, Citizens Corp/11-0864
5. Close Fund 1211, FEMA Public Assistance Fund/11-0865
6. Close Fund 4210, Middlebury Road Bridge Replacement/11-0866

OTHER

7. Journal entry approval(s):
 - a. Processing 3rd Quarter Unemployment Budget Transfer/Journal Entry
8. Discussion Memos/ Items:
 - a. Public Defender Modification of Budget for Staff Replacement Training and Vacation Payout/Journal Entry

UPDATES

9. The Director presented the Contingency Tracker
10. BOC On Hold/ Review In Process
 - a. The Lock Box Presentation is scheduled for October 17th at 1:00 PM
 - b. The Sheriff's funding request was revised to a lower amount
 - c. The Director is meeting with Adult Probation on October 12th to discuss HB 86.
 - d. DBFM Transition to an Internal Services Fund

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The Board of Commissioners discussed the proposed *Accrued Sick Leave Conversion Pay-Out Policy* with Director Tillis. The Director reported that the maximum General Fund liability would be \$280,000; a more realistic number would be about \$140,000 depending on the number of participants. She added that the Board of Commissioners would have to prioritize differently to fund this program.

Commissioner Frederick commented that she is concerned that the General Fund may not be able to support this program. She suggested that the Board of Commissioners wait to see how the budget discussions move forward before committing to the program. Director Tillis agreed that the Board of Commissioners should wait for additional information before moving forward. The Board of Commissioners agreed to hold this program for the time being. The Board of Commissioners agreed that that all elected officials have different policies; Commissioner Marsilio suggested that the Board needs to get serious about elected officials policies.

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11:55 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 discuss a compensation issue. **Also present:** Audrey Tillis. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

12:07 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 no action.

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12:10 PM Lunch Recess

1:10 PM Board of Commissioners reconvened

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OFFICE OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

Present: Jon Barber, John Mason, Annette Petranic, Denise Smith, Audrey Tillis

ACAMS (Automated Critical Asset Management System) Project

Staff is moving forward to identify critical infrastructure currently in place. There were 238 assets on the critical infrastructure list in the past. The current list is housed at the Department of Homeland Security & Emergency Management offices for use by the HAZMAT Team.

Ms. Petranic noted that the ACAMS is web-based and a secure system. Training will be held on October 18th at the EOC with Fire Department and Police Department officials invited. This PCII training that will allow officers to access information in this system.

The Director noted that all of the information in this project is confidential. Commissioner Marsilio asked if this system is a “planning in advance” tool. The Director responded yes and added that once identified, plans and exercises are built around the information gathered. This project is a critical tool in planning and training.

Mr. Mason and Ms. Petranic left the meeting

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The Director requested permission to submit the application for EMPG funding. The Director advised that he anticipates the receipt of a minimum of \$80,000/11-0871

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911 ISSUES

The Director is attending with Attorney Denise Smith to discuss a variety of 911 issues.

911 Planning Committee authority vs. Board of Commissioners authority

The Director reported that the 911 Planning Committee adopted the Technical Advisory Committee (TAC) recommendations in 2009 for the purchase of a single IP based system and then in 2011 asked the TAC to redefine the 2009 recommendations and look at a lease solution rather than a purchase solution. The TAC is now working through the 911 procedure document from 1993 to update it to

current conditions. The AT&T representative has advised that the company would handle the lease agreement in whatever format wanted; i.e.: individual or county wide. In addition, the TAC wants to take a look at the 911 Coordinator position to see if it can be better defined. The Director is gathering information from other counties to see what they are doing.

Director Barber reported that the current system performs as it should and is Phase II compliant. Denise Smith asked if there a need to go to a single IP based system soon because of the funding change in 2012 when it may sunset? Jon Barber responded yes, although the legislators may change the sunset. Attorney Smith asked who will pay if the money sunsets? The Director responded that the PSAPs will be responsible should the money sunset.

Attorney Smith commented that the County Auditor takes the 911 system maintenance fees from the 911 fees and gives it to the Portage County PSAP before making the distribution to the other PSAPS. There would have to be a Plan amendment to go to a single PSAP.

Commissioner Frederick asked if there is another authority that would issue an edict on this matter. Denise Smith stated that money comes to the County Auditor and it is divided in accordance with the Plan. If the distribution changes, the Plan must be amended to reflect any changes. There would be no need to send the amendment to the local subdivisions but the Planning Committee may proceed in the manner that the Planning Committee has in the past.

If the 911 Planning Committee agrees to move to a single IP based system, the Planning Committee cannot dictate to the Board of Commissioners that they must spend money. Jon Barber stated that the TAC is concerned that, because this is a countywide 911 plan, buy in from the communities may be important. This is a system-wide system and the TAC believes that the communities should agree that this is a good idea. Commissioner Frederick asked how that would happen. A letter? A presentation? Attorney Smith stated that the six PSAPs have their own legislative authorities who should be advised of this proposal. Advising the entire county when the plan is to move ahead regardless of their input may not be prudent.

Commissioner Frederick commented that there may be more dissention if the recommendation does not go out. Commissioner Marsilio responded that the Board of Commissioners does not want dissention but if the Board intends to move forward regardless, the Board might want to reconsider. Attorney Smith stated that the 911 Planning Committee could amend the Plan to allow funding to remain in the single fund with the IP payment to be made from the fund prior to disbursement.

Director Barber asked, if we are paying for PSAP s and equipment why can't Mantua or Windham or Garrettsville have access to a seat in the new system? The PSAPs who spent the money on the front side may not want to allow Mantua etc. to come into the system having spent no front money. What authority does he have to force PSAPs to conform to the current 911 processes. The six PSAPs purchased the Phase II equipment that they wanted; each PSAP's equipment is different. Each PSAP also has different procedures and policies. Attorney Smith stated that the equipment should be similar enough that all dispatchers should be able to use all equipment.

Commissioner Frederick cautioned that, when it comes to paying the tab, she cannot foresee the General Fund being able to afford too much of an expense for the next several years.

Attorney Smith asked who the contract is with? AT&T and who? Jon Barber responded that the county is leasing a single system with six seats all with the same equipment. AT&T will write the contract however, the county wants it written – one contract with X number of seats or a contract with each PSAP. He is concerned that one of the PSAPs may choose not to participate with AT&T. Denise Smith noted that each PSAP could choose to go with AT&T or not. Under the current plan, the county could agree to a lease with AT&T and then use their distributed share to make the lease payment. AT&T will have to buy equipment that will cost \$1.3 million. If there are 13 seats in the contract, that money can be remade quickly. With only two seats at \$1500/month will take a long time.

Jon Barber noted that the Sheriff is working to fix the dispatch center with the CAD system since the Hiram Township incident. Commissioner Frederick stated that Hiram Township Trustee Schulda was irate that the system did not work properly. Mr. Barber added that changing the procedure manual and how calls are handled will alleviate those human component problems in the process. Denise Smith commented that part of the responsibility is on the political subdivision when they made the decision not to be a PSAP.

Commissioner Marsilio asked what the nature is of the opposition to countywide dispatch? Denise Smith responded that field communication is a part of dispatch that the officers do not want to let go of. Jon Barber added that the Board of Commissioners will be signing a contract for the Sheriff with the City of Kent, Kent State and Aurora for a CAD system that all of them will share. Fire and police dispatching is different with the police interaction being more of a discussion. Commissioner Marsilio would think that the township and villages would be happy to take the cost savings with a consolidated dispatch to use for equipment. The Director responded that \$3 million per year is spent on dispatching within Portage County. He would suggest that a Board of Users be put together to look at a countywide dispatch center.

Commissioner Smeiles read from the draft minutes of the September 7, 2011 911 Planning Committee meeting “Bob Walker responded that several studies have been done by PAFERS showed that \$1/2 million could be saved if only seven Portage County communities would come together. There is a need for one dispatch center countywide with redundancies; one for police and one for fire interconnected to each other. This would be a massive undertaking and would mean a consolidation of services when staff and equipment is already in place. The same issues continue to come up”

Denise Smith stated that dispatch with field communications is separate than 911 call takers. It could be the same person taking both calls. Jon Barber added that in the 1990s the dispatch centers had 24/7 staff. Instead of creating a 911 call center, Portage County chose to go with 911 call centers in the dispatch centers. Commissioner Smeiles noted that if the county could save \$½ million on dispatch with some consolidation, that money could be used on road patrol. The Director added that the Sheriff must be confident that the centralized call takers would be able to handle the calls.

Commissioner Smeiles read from the CCAO chapter that talks about the plan amendment. The Planning Committee will convene to amend the plan to lease an IP system and encourage splitting dispatch and 911. Jon Barber reminded the Board of Commissioners that the Fire Chiefs and Police Chiefs Associations sent the Board of Commissioners a joint recommendation to move to a central dispatch option.

Denise Smith is attending today to discuss the IP lease purchase; she asked if the Planning Committee wants to amend the Plan to go to a lease rather than a purchase. If so, the money would come to the County Auditor where payment will be made for the system and the remaining money will be distributed. If the Planning Committee does not want to amend the Plan, the Board of Commissioners can enter into an agreement with AT&T for the Portage County PSAP.

Commissioner Smeiles stated that the county has taken all necessary steps to create the Final 911 Plan. Two of the three Planning Committee members can vote to amend the Final Plan. The TAC will look at the Procedural manual.

Commissioner Frederick noted that the PSAPs have not yet identified the balance of their 911 fees funding.

Department of Budget & Financial Management Director Audrey Tillis stated that the \$146,000 for the CAD (Computer Aided Dispatch) is in Fund 4008 but the agreement is the initial outlay of \$110,000 and then \$30,000 in cash plus an annual maintenance agreement of \$30,000 per year with an annual 3% increase. The Sheriff does need a CAD system that would support the 911 system to track the calls and data. The CAD is an integration with the dispatch center.

Commissioner Smeiles asked, even though the 911 paperwork separates dispatch from 911 call takers, shouldn't the General Fund pay a portion of the CAD system. Commissioner Frederick asked if the Sheriff is coming to ask the Board of Commissioners for the money from the 911 fund for the CAD? Denise Smith noted that the CAD contract should not be paid for in full by the 911 funds.

Commissioner Smeiles stated that it is the Board of Commissioners decision whether or not to move forward with Next Generation. Denise Smith responded that the Plan allows the Board of Commissioners as a PSAP to enter a contract with AT&T for the Portage County PSAP. If all PSAPs are to be a partner to the contract, the Planning Committee would amend the Plan to pay for the IP lease for all PSAPs and then disburse the remaining money under one contract to provide seats. Denise Smith suggested one contract with all PSAPs signing the AT&T agreement.

Commissioner Smeiles asked who has the authority to write the check? Denise Smith responded that, if the plan is amended to have only one funding source, the Portage County PSAP would write the check for the IP lease in an authority by agreement; amend the Plan so that the money goes to one pot of money.

Commissioner Frederick asked if the Board of Commissioners authorized the Sheriff to spend \$30,000 annually to maintain the CAD. Director Tillis responded that the CAD expenditure was approved under Phase I at \$146,000. The proposed agreement is a 5 year agreement with a 3% annual increase. There is a 90 day opt out clause. Director Tillis added that the cost of a standalone CAD was between \$350,000-\$500,000; this is a better option.

The Board of Commissioners agreed that Director Barber should meet with Denise Smith to move this discussion forward.

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WATER RESOURCES

Present: Interim Director Jeff Lonzrick

RESOLUTION No. 11-0860 - RE: ACCEPTANCE OF DONATION TO THE OFFICE OF THE PORTAGE COUNTY DOG WARDEN.

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

WHEREAS, The office of the Portage County Dog Warden received a donation of \$25.00 for upgrades to the facility from:

Lenora Digman
10261 Sicila Sands Rd.
Garrettsville, OH 44231

now, therefore, be it

RESOLVED, The Board of Portage County Commissioners does hereby accept the donation on behalf of the Office of the Portage County Dog Warden;

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. 11-0861 - RE: CREATE FUND 1902, FRANKLIN TOWNSHIP SIDEWALK

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

WHEREAS, it has become necessary to create a new fund in order to properly control the processing of financial related transactions related to the State Route 59 Sidewalk Project, Phase 1, and

WHEREAS, the County Auditor has assigned fund number 1902 to the State Route 59 Sidewalk Project, Phase 1; now therefore be it

RESOLVED, that Fund 1902, Franklin Township Sidewalk be created, and be it further

RESOLVED, that a certified copy of this resolution be filed with the Portage County Auditor, the Portage County Engineer and the Department of Budget and Financial Management; and be it further

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

Voice vote as follows:

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

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RESOLUTION No. 11-0862 - RE: CASH ADVANCE - FROM FUND 0001, GENERAL FUND TO FUND 4011, REGIONAL PLANNING PARKING LOT

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

WHEREAS, Fund 4011, Regional Planning Parking Lot is in need of interim cash until grant revenues are received; now therefore be it

RESOLVED, that the following cash advance be made in the amount of \$ 3,558.00:

FROM:
FUND 0001, GENERAL FUND
ORGCODE- 00100009
Debit Expense Account
Object 920000 - Advances-Out \$ 3,558.00

TO:
FUND 4011, REGIONAL PLANNING PARKING LOT
ORGCODE - 40110122
Credit Revenue Account
Revenue Source 290000 - Advances-In \$ 3,558.00

and be it further

RESOLVED, that the advance will be repaid to the General Fund when grant funds are received, and be it further

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

Regional Planning Commission and the Department of Budget & Financial Management; and be it further

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

Roll call vote as follows:

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

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RESOLUTION No. 11-0863 - RE: CASH ADVANCE - FROM FUND 0001, GENERAL FUND TO FUND 7040, CENTRALIZED ACCOUNTING SERVICE

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

WHEREAS, Fund 7040 is in need of interim cash until revenues and cash flow reserves are generated in the fund; now therefore be it

RESOLVED, that the following cash advance be made in the amount of \$ 100,000.00:

FROM:
FUND 0001, GENERAL FUND
ORGCODE- 00100009
Debit Expense Account
Object 920000 - Advances-Out \$ 100,000.00

TO:
FUND7040, CENTRALIZED ACCOUNTING SERVICE
ORGCODE - 704001112
Credit Revenue Account
Revenue Source 290000 - Advances-In \$ 100,000.00

and be it further

RESOLVED, that the cash advance will be repaid as follows:
One initial installment of \$50,000.00 due December 31, 2011 and
Five \$10,000.00 annual installments beginning on December 31, 2013 and
ending on December 31, 2017

; and be it further

RESOLVED, that the County Auditor is hereby requested to make said cash advance by Journal Entry, and that a certified copy of this resolution be filed with the Portage County Auditor, and the Department of Budget & Financial Management, and be it further

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

Roll call vote as follows:

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

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RESOLUTION No. 11-0864 - RE: CLOSING OF FUND 1164, CITIZENS CORP

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

WHEREAS, fiscal activity has ceased in Fund 1164, Citizens Corp, all payments have been made and the Treasurers Cash Balance is \$0.00; now therefore be it

RESOLVED, that Fund 1164, Citizens Corp is hereby closed; and be it further

RESOLVED, that a certified copy of this resolution be filed with the County Auditor, the Department of Budget and Financial Management and the Homeland Security and Emergency Management Agency; 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. 11-0865 - RE: CLOSING OF FUND 1211, FEMA PUBLIC ASSISTANCE FUND

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

RESOLUTION No. 11-0867

RE: ENTER INTO AN AGREEMENT BETWEEN ELDEN R. VILLERS AND KIM L. VILLERS AND THE BOARD OF COMMISSIONERS FOR THE LEASE OF LAND FOR THE PURPOSE OF DISPOSAL AND REUSE OF LIQUID AND CAKE BIOSOLIDS, ON APPROVED APPLICATION SITES.

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

WHEREAS, the County operates various wastewater treatment plants within Portage County which, after processing, produce a byproduct known as digested liquid biosolids; and further mechanical processing of the byproduct can reduce the water content forming a semi-solid product referred to as biosolids cake; and

WHEREAS, the Owners are willing to allow liquid and cake biosolids (BIOSOLIDS) to be applied on portions of the Owners' property; and

WHEREAS, the County is willing to deliver the BIOSOLIDS on portions of the Owners' property; and

WHEREAS, the Ohio EPA has approved this property for the application and disposal of BIOSOLIDS as long as the sites are actively farmed with annual crops to provide nitrogen and phosphorus uptake; and

WHEREAS, the County, using a soil conservation map and aerial photographs, has prepared an Application Map graphically showing the BIOSOLIDS application sites for the property; it is hereby

RESOLVED, by the Board of Commissioners of Portage County, Ohio:

Section 1. That the Board agrees to enter into a five (5) year agreement with Elden R. Villers and Kim L. Villers, to lease 73.0 useable acres of land for the purpose of BIOSOLIDS application disposal, as described in the Agreement; and be it further

Section 2. That the County will compensate the Owners in the amount of \$10.00 per acre per year (\$730.00) for the use of the property as a BIOSOLIDS application site In no case shall the cost exceed \$3,650.00 over the life of the 5 year agreement.; and be it further

Section 3. That it is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio revised Code.

Voice vote as follows:

Maureen T. Frederick, Yea;

Tommie Jo Marsilio, Yea;

Christopher Smeiles, Yea;

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RESOLUTION No. 11-0868

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RE: DETERMINING TO PROCEED WITH THE CONSTRUCTION OF PROJECT NO. ST-4 (08-100), STREETSBORO BIOSOLIDS REDUCTION FACILITY, IN THE STREETSBORO SANITARY SEWER DISTRICT NO. 4.

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

WHEREAS, pursuant to authorization by this Board contained in Resolution 08-0252 adopted March 18, 2008, the County Water Resources has caused to be prepared and submitted for approval plans, specifications and estimate of cost for Project No. ST-4 (08-100), Streetsboro Biosolids Reduction Facility; and

WHEREAS, plans, specifications and estimate of cost were approved and setting a date and time for acceptance of bids for the PROJECT have been approved by this Board by Resolution No. 11-0650 adopted July 26, 2011; and

WHEREAS, bids were received on September 7, 2011; and

WHEREAS, an estimate of total project costs, based on actual received bids for the PROJECT is on file in the office of the clerk of this Board; now therefore be it

RESOLVED, by the Board of Commissioners of Portage County, Ohio:

Section 1. That this Board hereby ratifies and approves the plans, character and termini of the improvement and estimate of cost for the PROJECT, all of which are now on file with this Board.

Section 2. That it is hereby determined to proceed with the construction of the PROJECT as provided for in the aforesaid Resolution No. 11-0650 adopted July 26, 2011 and in accordance with the plans and specifications, provided therefore.

Section 3. That the total cost of the PROJECT is estimated to be \$8,309,000.00, which will be financed by the sale of notes in anticipation of the issuance of bonds. Streetsboro Sanitary Sewer District No. 4 rate revenue and wastewater trunk and plant connection fees will be utilized to pay for the debt service. No part of such costs shall be specially assessed.

Section 4. The County of Summit, Department of Environmental Services will contribute approximately 8.5% of the Project costs.

Section 5. That the Clerk of this Board is hereby directed to certify a copy of this Resolution to the County Auditor, the Department of Budget and Financial Management and the Portage County Water Resources Department within 15 days after its passage.

Section 6. That the County Auditor is requested to assign a construction fund number for the Streetsboro Biosolids Reduction Facility and forward such assignment to the Department of Budget and Financial Management for processing.

Section 7. 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 was as follows:

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

* * * * *

RESOLUTION No. 11-0869 - RE: FIX DATE TO VIEW LOCATION AND SET TIME AND DATE FOR PUBLIC HEARING ON A ROAD VACATION OF MARCIE DRIVE AND MEGAN LANE IN THE TIMBERSTONE SUBDIVISION, TOWNSHIP OF FREEDOM, COUNTY OF PORTAGE, STATE OF OHIO.

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

- WHEREAS,** in accordance with the Ohio Revised Code Section 5553.04, when the Board of Commissioners is of the opinion that it will be for the public convenience or welfare to vacate a public road, it shall so declare by resolution; and
- WHEREAS,** as stipulated in Ohio Revised Code Section 5553.05 (A), the Board of Portage County Commissioners shall fix a date when it will view the proposed improvement and also a date for the final hearing and give notice of time and place for both such review and hearing by publication once a week for two consecutive weeks in a newspaper of general circulation in the County where such improvement is located; and
- WHEREAS,** in addition to the notice of time and place for hearing, the office of the Portage County Commissioners shall send written notice of the hearing by first class mail at least twenty days before the date of the public hearing to owners of property abutting upon that portion of the road to be vacated and to the Director of Natural Resources; now therefore be it

RESOLVED, that the Board of Portage County Commissioners will take under consideration if it will be for the public convenience and welfare to vacate Marcie Drive and Megan Lane in the Timberstone Subdivision, Township of Freedom, Portage County, State Of Ohio, which is described as follows:

Centerline Description of Marcie Drive T.H.766

Situated in Township of Freedom, County of Portage, and State of Ohio and known as being a part of Township Lot 91 and being a part of Timber Stone Subdivision Phase 1 and being further known and described as follows:

Commencing at the Northeast Corner of Township Lot 91 the centerline of Limeridge Road (C.H. 222); Thence $S00^{\circ}36'47''E$ along the centerline of Limeridge Road a distance of 805.09 feet to a point and the intersection of the Centerline of Limeridge Road with the centerline of Marcie Drive (T.H. 766, 60 feet wide) and being the true place of beginning of the centerline herein described;

Thence $S89^{\circ}23'13''W$ along the centerline of Marcie Drive a distance of 249.16 feet to a point,

Thence continuing along the centerline of Marcie Drive said centerline being the arc of a curve deflecting to the right a distance of 119.72 feet (Delta = $13^{\circ}43'10''$, Radius=500.00 feet, Chord=119.44 feet, Chord Bearing= $N83^{\circ}45'12''W$) to a point;

Thence $N76^{\circ}53'37''W$ continuing along the centerline of Marcie Drive a distance of 1167.99 feet to a point;

Thence continuing along the centerline of Marcie Drive said centerline being the arc of a curve deflecting to the left a distance of 216.70 feet (Delta = $14^{\circ}36'26''$, Radius=850.00 feet, Chord=216.11 feet, Chord Bearing= $N84^{\circ}11'50''W$) to a point;

Thence continuing along the centerline of Marcie Drive $S01^{\circ}30'03''E$ a distance of 50.00 feet to a point and the termini of said Road as described from Timber Stone Subdivision Phase 1 records by the Portage County Engineer;

Bearings are based on Centerline Bearing of Limeridge Road $S00^{\circ}36'47''E$ from the Subdivision Plat of Timber Stone Subdivision, Phase 1; and

Centerline Description of Megan Lane T.H.767

Situated in Township of Freedom, County of Portage, and State of Ohio and known as being a part of Township Lot 91 and being a part of Timber Stone Subdivision Phase 1 and being further known and described as follows:

Commencing at the Northeast Corner of Township Lot 91 the centerline of Limeridge Road (C.H. 222); Thence $S00^{\circ}36'47''E$ along the centerline of Limeridge Road a distance of 805.09 feet to a point and the intersection of the Centerline of Limeridge Road with the centerline of Marcie Drive (T.H. 766, 60 feet wide); Thence $S89^{\circ}23'13''W$ along the centerline of Marcie Drive a distance of 249.16 feet to a point; Thence continuing along the centerline of Marcie Drive said centerline being the arc of a curve deflecting to the right a distance of 119.72 feet ($\Delta = 13^{\circ}43'10''$, Radius=500.00 feet, Chord=119.44 feet, Chord Bearing= $N83^{\circ}45'12''W$) to a point; Thence $N76^{\circ}53'37''W$ continuing along the centerline of Marcie Drive a distance of 764.58 feet to a point and the intersection of the Centerline of Marcia Drive with the centerline of Megan Lane (T.H. 767, 60 feet wide) and being the true place of beginning of the centerline herein described

Thence $N00^{\circ}36'47''W$ along the centerline of Megan Lane a distance of 274.90 feet to a point and the termini of said Road as described from Timber Stone Subdivision Phase 1 records by the Portage County Engineer;

Bearings are based on Centerline Bearing of Limeridge Road $S00^{\circ}36'47''E$ from the Subdivision Plat of Timber Stone Subdivision, Phase 1.

; and be it further

RESOLVED, that the Board of Portage County Commissioners will view the vacation on **Thursday, November 10, 2011** and will assemble at the intersection of Limeridge Road and Marcie Drive at **8:30 AM**; and be it further

RESOLVED, that the Board of Portage County Commissioners hereby sets the date of **Tuesday, November 15, 2011 at 2:30 PM** as the date for the public hearing on this vacation. The hearing will take place in the Portage County Administration Building, 7th Floor Commissioners' Boardroom, 449 South Meridian Street, Ravenna, Ohio 44266; and be it further

RESOLVED, that Notice of the time and place for this hearing be published once a week for two consecutive weeks by the Clerk for the Board of Commissioners of Portage County in a newspaper of general circulation and, further, that at least twenty days prior to the date of this hearing, all abutting property owners, the Director of Natural Resources, the County Engineer, Director of Water Resources, the Portage County Prosecutor's Office, the Freedom Township Trustees and the Freedom Township Road Supervisor be notified the time and place for this hearing by first class mail; 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. 11-0870

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RE:

AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE AN AGREEMENT WITH THE CITY OF STREETSBORO, OHIO AND HATTIE LARLHAM CENTER FOR CHILDREN WITH DISABILITIES TO ASSIST HATTIE LARLHAM CENTER FOR CHILDREN WITH DISABILITIES IN FINANCING AND REFINANCING THE COSTS OF A HOSPITAL FACILITIES.

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

WHEREAS,

Hattie Larlham Center for Children with Disabilities (“*Hattie Larlham*”) is planning to use healthcare facilities revenue bonds issued under Chapter 140 of the Ohio Revised Code (the “*Act*”) for the purpose of paying the costs of “*Hospital Facilities*” under the Act and refinancing existing tax-exempt and taxable indebtedness used to pay those costs; and

WHEREAS,

Hattie Larlham has requested the City of Streetsboro, Ohio (the “*City*”) to issue up to \$4,200,000 with its City of Streetsboro, Ohio Health Care Facilities Revenue Refunding Bonds, Series 2011 (Hattie Larlham Project) (the “*Bonds*”); and

WHEREAS,

Hattie Larlham has requested the County of Portage, Ohio (the “*County*”) to assist it in financing costs of hospital facilities, consisting of its care and habilitation center for children with disabilities, located at 9772 Diagonal Road, Mantua, Ohio 44255, located in the County; and

WHEREAS,

the County will not be liable for any costs associated with the Bonds and will be indemnified by Hattie Larlham for any claims that might arise, and the Bonds will actually be issued by the City on behalf of both political subdivisions; now therefore be it

RESOLVED,

by the Board of County Commissioners of Portage County, Ohio (the “*Legislative Authority*”):

RESOLVED,

Section 1. Findings and Determinations: This Legislative Authority finds and determines the following matters:

a. The County is a “public hospital agency” under Chapter 140, Ohio Revised Code, and is authorized under Section 140.03, Revised Code, to enter into agreements with other public hospital agencies to provide for the acquisition,

construction, reconstruction, rehabilitation, remodeling, renovating, enlarging, equipping, and furnishing of hospital facilities.

b. Hattie Larlham has requested that the County cooperate in financing costs of hospital facilities, consisting of its care and habilitation center, located in the County, by entering into an agreement with the City and Hattie Larlham, under which the County will authorize the City to issue revenue bonds to assist in the financing.

c. Based on the representations of Hattie Larlham, this Legislative Authority determines that entering into the agreement will further the public purpose of Chapter 140, Revised Code, by better providing for the health and welfare of the people of Ohio, the City, and the County by enhancing the availability, efficiency, and economy of hospital facilities and the services rendered by those hospital facilities, and facilitating the financing of hospital facilities to be available to or for the service of the general public without discrimination by reason of race, creed, color, or national origin. The contribution to be made by the County under that agreement (which is not financial in nature) will be fair consideration for the value and benefit to be derived by it under the agreement.

Section 2. Authorization of Agreement. This Legislative Authority authorizes the agreement with the City and Hattie Larlham, substantially in the form of the Public Hospital Agencies Agreement (the "**Agreement**") attached as **Exhibit A**. This Legislative Authority authorizes and directs the County Commissioners to sign and deliver the Agreement in that form, with such changes as they may approve that are not substantially adverse to the County and are not inconsistent with this Resolution. The signing and delivery of the Agreement will constitute the Legislative Authority's approval of any such changes and the determination that those changes are not substantially adverse to the County and are not inconsistent with this resolution.

Section 3. Approval of the Bonds. A public hearing was conducted by the City Council on July 25, 2011 pursuant to a public hearing notice published on July 11, 2011 in the Record Courier, and, solely for the purpose of Section 147(f) of the Internal Revenue Code of 1986, as amended, the Legislative Authority approves the Bonds.

Section 4. Further Authorization. This Legislative Authority authorizes and directs the Commissioners and any other official or employee of the County to take any other necessary and appropriate actions to give effect to the assistance authorized under the agreement and to perform the County's obligations under the agreement.

Section 5. Compliance with Open Meeting Requirements. It is hereby found and determined that all formal actions of this Legislative Authority concerning and relating to the enactment of this Resolution were taken in an open meeting of this

Legislative Authority, and that all deliberations of this Legislative Authority and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6. Effective Date. This Resolution shall be in full force and effect immediately upon its adoption.

Roll call vote as follows:

Maureen T. Frederick, Yea;

Tommie Jo Marsilio, Yea;

Christopher Smeiles, Yea;

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EXHIBIT A

PUBLIC HOSPITAL AGENCIES AGREEMENT between City of Streetsboro, Ohio and County of Portage, Ohio and Hattie Larlham Center for Children With Disabilities (Hattie Larlham Project)

This Agreement is made as of September ____, 2011, between the City of Streetsboro, Ohio (the “*City*”), the County of Portage, Ohio (the “*County*”), and Hattie Larlham Center for Children with Disabilities (“*Hattie Larlham*”) to assist Hattie Larlham in financing costs of hospital facilities. Certain capitalized terms are defined in Section 1 below.

RECITALS

- A. Both the City and the County are Ohio political subdivisions and are “public hospital agencies” under the Act. Hattie Larlham is an Ohio nonprofit corporation and is a “nonprofit hospital agency” under Chapter 140 of the Ohio Revised Code (the “*Act*”).
- B. Ohio political subdivisions are authorized to issue revenue bonds to pay “costs of hospital facilities,” as defined in the Act, and to lease those hospital facilities to “nonprofit hospital agencies,” as defined in the Act.
- C. Public hospital agencies are authorized by the Act to enter into agreements for the acquisition, construction, reconstruction, rehabilitation, remodeling, renovating, enlarging, equipping, and furnishing of hospital facilities as well as for the refinancing of obligations and the reimbursement of money advanced by hospital agencies and nonprofit hospital agencies the proceeds of which were used for the payment of hospital facilities to promote the public purpose of the Act.
- D. The County issued its \$2,590,000 Variable Rate Demand Health Care Facilities Revenue Bonds, Series 2001 (Hattie Larlham Project) (the “*Series 2001 Bonds*”), the proceeds of which were used by Hattie Larlham to (a) refund a loan made to Hattie Larlham which was used to renovate, expand, and equip 32 licensed living units and construct and equip a central nursing station, a resident recreation area, and office space, and (b) finance the costs of constructing and equipping an approximately 18,500 square foot addition to Hattie Larlham’s existing facility for a care and habilitation center, staff training, and an education center.
- E. Hattie Larlham has requested that the City issue bonds under the Act to (a) refund the Series 2001 Bonds, (b) refund a loan made to Hattie Larlham which was used to construct a 10,695 square foot, one-story addition to the main ICF/MR location, to renovate existing resident living areas, and to construct an 11,428 square foot, one-story life achievement center (including a Special Use Pool); and (c) pay the issuance costs of the Bonds (the “*Project*”).

- F. The City and the County have each determined to enter into this Agreement to assist Hattie Larlham in financing the costs of Project.

The City and the County agree as follows:

Section 1. Definitions. The following terms are defined terms in this Agreement:

“*Act*” means Chapter 140, Ohio Revised Code.

“*Project*” is defined in the Recitals.

“*Series 2001 Bonds*” is defined in the recitals.

“*Series 2011 Bonds*” means the City’s Health Care Facilities Revenue Bonds, Series 2011 (Hattie Larlham Project) issued to finance the Project, as described in Section 4.

“*Hattie Larlham*” means Hattie Larlham Center for Children with Disabilities, an Ohio nonprofit corporation.

“*Sublease*” means the sublease from the City to Hattie Larlham, as described in Section 3(a).

Section 2. Public Purpose. The City, the County, and Hattie Larlham are entering into this Agreement to promote the public purpose of the Act by better providing for the health and welfare of the people of Ohio, the City, and the County by enhancing the availability, efficiency, and economy of hospital facilities and the services rendered by those hospital facilities, and facilitating the financing of hospital facilities to be available to or for the service of the general public without discrimination by reason of race, creed, color, or national origin. Those hospital facilities include the Project.

Section 3. Hospital Facilities. The City, the County, and Hattie Larlham will cooperate in financing the costs of the hospital facilities constituting the Project that were used to facilitate the acquisition, construction, equipping, and furnishing of the Project, including loans incurred by Hattie Larlham to pay those costs, in accordance with Section 140.03, Revised Code. The following are the provisions relating to those hospitals facilities:

- (a) The title to the Project will be held by Hattie Larlham. The Project will be leased to the City and will be subleased to Hattie Larlham.
- (b) The Sublease will constitute a lease under Section 140.05, Revised Code, and will provide the method by which the Project will be managed, occupied, maintained, and repaired.
- (c) The programs and activities to be conducted at the Project will be managed and administered by Hattie Larlham.

- (d) The costs of the Project will be paid from the proceeds of revenue bonds to be issued by the City in accordance with Section 4 and from money provided by Hattie Larlham. Neither the City nor the County will have any obligation to provide any money to pay costs of the Project, or any other costs under this Agreement.

Section 4. Issuance of Obligations. A public hearing to discuss the Series 2011 Bonds was conducted by the City Council on July 25, 2011 pursuant to a public hearing notice published on July 11, 2011 in the *Record Courier*. The County and the City will each take action to approve the Series 2011 Bonds for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended. The City will then issue its Series 2011 Bonds, in one or more series, to pay the costs of “hospital facilities” in connection with the Project located in the unincorporated portion of the County (Shalersville Township).

The Series 2011 Bonds will not constitute a debt, or a pledge of faith and credit of the State of Ohio, the City, the County, or any other Ohio political subdivision. The holders of the Series 2011 Bonds do not have the right to have taxes levied by the City, the General Assembly of Ohio, the County, or the taxing authority of any other Ohio political subdivision for the payment of principal, interest, and any premium on the Series 2011 Bonds. Each Series 2011 Bond must contain on its face a statement to that effect, and that the Series 2011 Bonds are payable solely from the hospital receipts and the other sources pledged to their payment.

The County has no obligation, other than those set forth in this Agreement, with respect to the Series 2011 Bonds, the Project, or Hattie Larlham. The County is not required to make a contribution with respect to the Project.

Section 5. Indemnification. Hattie Larlham releases the County and the City from, agrees that the County and the City shall not be liable for, and agrees to indemnify the County and the City against, all liabilities, claims, costs and expenses imposed upon or asserted against the County or the City on account of: (a) any loss or damage to property, or injury to or death of any person, that may be occasioned by any cause whatsoever pertaining to the maintenance, operation and use of the Project; (b) any breach or default on the part of Hattie Larlham in the performance of any covenant or agreement of Hattie Larlham under any documents or instruments related to the issuance of the Series 2011 Bonds, or arising from any act or failure to act by Hattie Larlham or any agents, contractors, servants, employees, or licensees of Hattie Larlham or arising from any accident, injury, or damage whatsoever caused to any person, firm, or corporation occurring in or about the Project; (c) the authorization, issuance, and sale of the Series 2011 Bonds; and (d) any such claim, action, or proceeding brought thereon.

In case any action or proceeding is brought against the County or the City in respect of which indemnity may be sought hereunder, the party seeking indemnity shall promptly give notice of any such action or proceeding to Hattie Larlham. Hattie Larlham, upon such notice, covenants to and shall have the obligation and the right to assume the defense of the action or proceeding; provided that failure of such party to give such notice shall not relieve Hattie Larlham from any of its obligations under this Section unless such failure prejudices the defense of such action or proceeding by Hattie Larlham, and then only to the extent of such prejudice. Upon receipt of notice from such party seeking indemnification, Hattie Larlham shall resist and defend such action or proceeding at Hattie Larlham's expense. Counsel for defense must be reasonably satisfactory to

County or the City, as applicable. At its own expense, an indemnified party may employ separate counsel and participate in the defense.

If Hattie Larlham shall not have employed counsel to have charge of the defense of the action, claim, or proceeding, or if an indemnified party shall have concluded reasonably that there may be a defense available to it or to any other indemnified party which is different from or in addition to those available to Hattie Larlham or to any other indemnified party or if an indemnified party shall have reasonably concluded that counsel representing other indemnified parties cannot fairly represent such indemnified party because of a conflict of interest, (i) Hattie Larlham shall not have the right to direct the defense of the action, claim, or proceeding on behalf of that indemnified party and (ii) legal and other expenses incurred by the indemnified party (including without limitation, to the extent permitted by law, reasonable attorney's fees and expenses) shall be borne by Hattie Larlham.

The indemnification provided by this Section shall include their respective officials, officers, directors, and employees of the County and the City. Such indemnification is intended to and shall be enforceable by the County and the City to the full extent permitted by law.

Section 6. Term. This Agreement will take effect upon the signing and delivery by both parties and will terminate upon the final discharge of any securities issued by either party to finance or refinance the Project.

Section 7. Costs. The costs of issuance of the Series 2011 Bonds will be paid from the proceeds of the Series 2011 Bonds or by Hattie Larlham. The County and the City will have no obligation to pay those costs of issuance except from the proceeds of the Series 2011 Bonds. Any expense of the County or the City incurred in performing any obligation under this Agreement, or in preparing or entering into this Agreement, will be paid or reimbursed by Hattie Larlham.

Section 8. Notices. Any notice or other communication to be given under this Agreement to the parties must be given in writing to the following addresses:

for the County: County of Portage Ohio
Portage County Administration Building
7th Floor
449 S. Meridian Street
Ravenna, Ohio 44266
Attn: President, Board of County Commissioners

for the City: City of Streetsboro, Ohio
9184 State Route 43
Streetsboro, Ohio 44241
Attn: Mayor

for Hattie Larlham: Hattie Larlham Center for Children with Disabilities
7996 Darrow Rd., Suite 10
Twinsburg, Ohio 44087
Attn: Darryl E. Mast, Vice President of Operations

Section 8. Miscellaneous Provisions.

- (a) Limitation of Liability. The obligations under this Agreement are not personal obligations of any present or future officer or employee of the City, the County, or Hattie Larlham, or any member of the City Council of the City or the County Council of the County.
- (b) Successors and Assigns. This Agreement inures to the benefit of and is binding on the successors and assigns of the City, the County, and Hattie Larlham.
- (c) Severability. If any provision of this Agreement is determined to be unenforceable, the enforceability of the remaining provisions will not be impaired.
- (d) Counterparts. The parties may sign any number of copies of this Agreement. Each party may sign a separate signature page, and this instrument is binding against a signing party if the other party's signed signature page is also attached to this instrument. One signed copy is enough to prove this Agreement.
- (e) Governing Law. The laws of Ohio govern this Agreement.
- (f) Headings. The headings in this Agreement are for convenience only and do not affect the interpretation of this Agreement.

[Signatures appear on the next page]

The parties have signed this Agreement as of the date set forth above.

County of Portage, Ohio

City of Streetsboro, Ohio

By: _____
County Commissioner

By: _____
Mayor

By: _____
County Commissioner

By: _____
County Commissioner

Approved as to legal form and correctness:

Approved as to legal form and correctness:

By: _____
Prosecuting Attorney,
County of Portage, Ohio

By: _____
Law Director,
City of Streetsboro, Ohio

**Hattie Larlham Center for Children
with Disabilities**

By: _____

Its: _____

4. Approve the Then & Now Certification, as presented by the County Auditor/11-0858.
5. Acceptance of donation of \$100 to the Portage County Dog Warden, as presented by the Executive Assistant/11-0859.
6. Acceptance of donation of \$25 to the Portage County Dog Warden, as presented by the Executive Assistant/11-0860.

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INVITATIONS

October 4, 2011

1. Notice of the *Hope in a Handbag* event on Saturday, October 22, 2011 from 6:30-9:30 PM at the KSU Fashion Museum Atrium to benefit Safer Futures.

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INCOMING CORRESPONDENCE

October 4, 2011

1. September 26, 2011 correspondence from David Shea, Executive Director of the Community Action Council of Portage County, expressing interest in purchasing the Portage Workforce Connection/One-Stop building, should the Board of Commissioners decide to sell it/The Board of Commissioners will respond that they will be in touch when they decide to move forward.
2. September 23, 2011 correspondence from the Portage County Engineer regarding the proposed vacation of Reiger Drive in Deerfield Township. Mr. Marozzi advises that the vacation plat is not acceptable as presented. Forwarded to Attorney Chris Meduri and the Township Trustees/Information only at this time. The October 13, 2011 Public Hearing will move forward.
3. September 23, 2011 correspondence from the Portage County Engineer to Surveyor Jerry Rockney regarding the proposed vacation of Reiger Drive in Deerfield Township. Mr. Marozzi advises that the vacation plat is not acceptable as presented. Forwarded to Attorney Chris Meduri and the Township Trustees/Information only.
4. A. September 28, 2011 email from Attorney Mike Sharb, Squire Sanders, including his comments on the proposed Hattie Larlham financing and refinancing. Please note that the Board of Commissioners adopted a Journal Entry on June 9, 2011 authorizing the Squire Sanders Tax Division to the research the issue of refunding the Hattie Larlham bonds previously issued through Portage County at a cost not to exceed \$2,500. Hattie Larlham CFO Marc Rubinstein has agreed that Hattie Larlham will reimburse the county for this expense.

B. Buckingham Doolittle Attorney Steve Hammersmith presents the final resolution to authorize the Board of Commissioners to execute an agreement with the City of Streetsboro and the Hattie Larlham Center to assist the Center in financing and refinancing the costs of a hospital facilities/Resolution 11-0870.
5. September 12, 2011 NACo Invoice #77475 for payment of dues in the amount of \$3,131.00 for 2012/Journal Entry.

6. September 30, 2011 email from Office of Homeland Security and Emergency Management Director Jon Barber regarding the 911 Technical Advisory Committee/To be addressed in the Office of Homeland Security and Emergency Management Director's meeting today with the Board of Commissioners.
7. September 29, 2011 correspondence from the Board of Elections advising that they will be conducting poll worker training on the following dates and times. Referred to the Internal Services Director and Captain McRitchie/Information only
 - Tuesday, October 18, 2011 at 5:30 PM
 - Tuesday, October 25, 2011 at 5:30 PM
 - Thursday, October 27, 2011 at 5:30 PM
8. October 3, 2011 correspondence from Robinson Memorial Hospital CEO Steve Colecchi in response to the Board of Commissioners' request that the hospital pay the legal fees for the investigation of the hospital's proposal to convert to not-for-profit status/Hold for discussion with Attorney Denise Smith on October 11, 2011.
9. October 3, 2011 correspondence from Robinson Memorial Hospital CEO Steve Colecchi including the Term Sheet setting forth the provision of a lease agreement between Portage County and the new not-for-profit corporation/Hold for discussion with Attorney Denise Smith on October 11, 2011.

* * * * *

JOURNAL ENTRY

October 4, 2011

1. The Board of Commissioners acknowledged the receipt of the September 28, 2011 Certificate of County Auditor that the Total Appropriations from each fund do not exceed the Official Estimate Resources for the fiscal year beginning January 1, 2011, as presented by the Portage County Auditor.
2. The Board of Commissioners acknowledged the electronic submission/electronic cash draw request of \$22,701.48 for SHSP FY 09 grant (2009-SS-T9-0089) funds, as presented by Office of Homeland Security and Emergency Management Director Jon Barber. The Department of Budget & Financial Management reviewed the request with no exceptions noted.
3. The Board of Commissioners authorized Commissioner Frederick to sign the CDBG Formula Grant 2010 (B-F-10-1CJ-1) Form DS5 Draw Request for \$7,200, as presented by the Regional Planning Commission. The Department of Budget & Financial Management reviewed the request with no exceptions noted.
4. The Board of Commissioners signed the CDBG Formula Grant 2010 (B-F-10-1CJ-1) authorization form for invoices for \$1,896.91 of administrative fees (Fair Housing) for the time period May 30, 2011 through August 7, 2011, as presented by the Regional Planning Commission. The Department of Budget & Financial Management reviewed the request with no exceptions noted.
5. The Board of Commissioners signed the CDBG Formula Grant 2010 (B-F-10-1CJ-1) authorization form for invoices for \$1,755.96 of administrative fees (Fair Housing) for the time period August 6,

2011 through August 27, 2011, as presented by the Regional Planning Commission. The Department of Budget & Financial Management reviewed the request with no exceptions noted.

6. The Board of Commissioners signed the New Horizons Grant authorization form for invoices for \$727.45 for the time period July 25, 2011 through August 7, 2011, as presented by the Regional Planning Commission. The Department of Budget & Financial Management reviewed the request with no exceptions noted.
7. The Board of Commissioners authorized payment of the September 2011 Statement for professional services rendered from September 1, 2011 through September 22, 2011 for \$6,250.00, as presented by Ron Habowski.

* * * * *

REFERRED

October 4, 2011

1. September 30, 2011 email from Anita Fischer, Medicaid Health Systems Analyst with the Ohio JFS including the revised CPAO for The Woodlands at Robinson for review. Woodlands staff received the email and document.
2. Undated notice (received September 30, 2011) from the US Department of Commerce/US Census Bureau regarding a government survey/forwarded to the Regional Planning Commission.

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INFORMATION ONLY

October 4, 2011

1. September 30, 2011 email from Office of Homeland Security and Emergency Management Director Jon Barber regarding the Ohio Department of Transportation traffic signals with battery backup in Portage County.
2. Notice from the Department of Budget & Financial Management Director that the Sheriff's COPS grant has not yet been approved.

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JOURNAL ENTRY

October 4, 2011

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

1. The Board of Commissioners acknowledged the receipt of the September 28, 2011 Certificate of County Auditor that the Total Appropriations from each fund do not exceed the Official Estimate Resources for the fiscal year beginning January 1, 2011, as presented by the Portage County Auditor.
2. The Board of Commissioners acknowledged the electronic submission/electronic cash draw request of \$22,701.48 for SHSP FY 09 grant (2009-SS-T9-0089) funds, as presented by Office of Homeland Security and Emergency Management Director Jon Barber. The Department of Budget & Financial Management reviewed the request with no exceptions noted.
3. The Board of Commissioners authorized Commissioner Frederick to sign the CDBG Formula Grant 2010 (B-F-10-1CJ-1) Form DS5 Draw Request for \$7,200.00, as presented by the Regional Planning

Commission. The Department of Budget & Financial Management reviewed the request with no exceptions noted.

4. The Board of Commissioners signed the CDBG Formula Grant 2010 (B-F-10-1CJ-1) authorization form for invoices for \$1,896.91 of administrative fees (Fair Housing) for the time period May 30, 2011 through August 7, 2011, as presented by the Regional Planning Commission. The Department of Budget & Financial Management reviewed the request with no exceptions noted.
5. The Board of Commissioners signed the CDBG Formula Grant 2010 (B-F-10-1CJ-1) authorization form for invoices for \$1,755.96 of administrative fees (Fair Housing) for the time period August 6, 2011 through August 27, 2011, as presented by the Regional Planning Commission. The Department of Budget & Financial Management reviewed the request with no exceptions noted.
6. The Board of Commissioners signed the New Horizons Grant authorization form for invoices for \$727.45 for the time period July 25, 2011 through August 7, 2011, as presented by the Regional Planning Commission. The Department of Budget & Financial Management reviewed the request with no exceptions noted.
7. The Board of Commissioners authorized payment of the September 2011 Statement for professional services rendered from September 1, 2011 through September 22, 2011 for \$6,250.00, as presented by Ron Habowski.
8. The Board of Commissioners signed the Personnel Action Form acknowledging the written resignation of Brandy Hemphill, Employment Services Counselor for the Portage County Department of Job & Family Services, effective October 18, 2011, as presented by JFS Director Genetin.
9. The Board of Commissioners signed the application to the Portage County Common Pleas Court to employ outside legal counsel to assist the Board of Commissioners and the Prosecuting Attorney, as presented by Attorney Denise Smith.
10. The Board of Commissioners authorized immediate payment of the September 12, 2011 NACo Invoice #77475 for payment of 2012 dues in the amount of \$3,131.00.
11. The Board of Commissioners agreed to provide a vehicle for The Woodlands at Robinson staff use; Internal Services Director JoAnn Townend to investigate options.
12. The Board of Commissioners authorized Attorney Denise Smith to send a termination notice to Multi-Care Services, Inc., consultant for The Woodlands at Robinson, effective close of business on October 31, 2011.
13. After meeting in an Executive Session today with The Woodlands at Robinson staff, the Board of Commissioners accepted the staff recommendation and authorized the following:
 - A. Termination of an STNA for Unsatisfactory Probation period effective, 10/5/2011
 - B. Termination of an STNA for NCNS/Unsatisfactory probation period, effective 10/4/2011
14. After meeting in an Executive Session today with The Woodlands at Robinson staff, the Board of Commissioners accepted the staff recommendation and signed the Personnel Requisition for The Woodlands at Robinson, as follows:

DEPARTMENT	JOB TITLE	GRADE	ACTION
The Woodlands at Robinson	STNA	NSAS/2	Post internally
The Woodlands at Robinson	STNA	NSAS/2	Post internally

15. The Board of Commissioners signed the WPCLF Project ARRA Quarterly Report Summary forms for the West Branch MHP WWTP Improvements project and the Portage County Garage, O&M Center project for the quarter beginning in July 2011 and ending in September 2011, as presented by the Water Resources Department.

16. The Board of Commissioners acknowledged the receipt of the October 1, 2011 correspondence from Portage County Recorder Bonnie Howe including a proposal in accordance with ORC Section 317.321 for the acquisition or maintenance of micrographic or other equipment or for contract services. The Board of Commissioners agreed to meet with the Recorder on October 25, 2011 to discuss her recommendation.

17. The Board of Commissioners accepted the Department of Budget & Financial Management Director's recommendation and authorized a budget transfer from the General Fund Contingency as follows:

Department	Org	Object	Description	Actual/Encum
Human Resources	00180003	321400	Unemployment	2,100.00
Juvenile Probation	05800003	321400	Unemployment	1,400.00
Adult Probation	05900003	321400	Unemployment	<u>7,763.00</u>
			Total	\$11,263.00

18. The Board of Commissioners accepted the Department of Budget & Financial Management Director's recommendation and authorized a budget transfer from the General Fund Contingency to the Public Defender in the amount of \$3,384.92 for staff replacement training and a vacation payout, as requested by Public Defender Dennis Day Lager.

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 **October 4, 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 **3:05 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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