

Commissioners' Journal
August 10, 2021

The Geauga County Board of Commissioners met in session on August 10, 2021 at 9:30 a.m. in the Commissioners' Chambers located at 470 Center Street in Chardon, Ohio.

It is declared and determined that all formal actions of the Board of County Commissioners concerning and relating to the adoption of all resolutions that were adopted in this meeting, and that all deliberations of the Board of County Commissioners that resulted in such formal action were open to the public and were in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

The President of the Board, James W. Dvorak opened the meeting at 9:33 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.

Commissioner Dvorak read the following prayer:

*Serving others
Father,
Allow me to serve others with a joyful heart
Never keeping score
Always giving
Never expecting to receive
Allow me to give of myself
To give of my talents and of my goods
To give of my time and of my energy
To give of my heart and of my soul.
Help me understand the needs of others
Allow me to serve others as You serve,
With gentleness, compassion and tenderness.
Amen*

MEETING MINUTES

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute the minutes for the meeting of June 22, 2021.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute the minutes for the meeting of June 29, 2021.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

COMMISSIONERS OFFICE - COUNTY ADMINISTRATOR'S REPORT

County Administrator Gerard Morgan reported on the items approved by the County Administrator on August 4, 2021 for the Department on Aging approve an unpaid personal leave of absence for Elizabeth Oliverio, Information and Referral Assistant for twenty-four hours due to previously planned vacation during the period September 15, 2021 through September 17, 2021. This will extend her probationary period by three days, twenty-four hours; and for Transit accepted the resignation of Christopher Black, Part-time Driver (#2210-1) to be effective August 15, 2021; as authorized by Resolution #21-003 under the direction and supervision of the County Commissioners that was approved January 5, 2021 pursuant to O.R.C. 305.30.

APPROVE FINANCIALS

Budget and Finance Manager Adrian Gorton explained the financials for today as including a Supplemental from Community Development in their Block Grant for additional appropriations needed to certify the Maple Leaf Residences Project; a Travel request for the Common Pleas Court, a payment for the Commissioner's Office to Mazanec, Raskin and Ryder Co., LPA for Auditor Walder legal representation in the amount of \$11,384.78; a payment for the Commissioners' Office to NV5, Incorporated for Owners Representative Services rendered in July in the amount of \$48,024.75; a payment for the Maintenance Department to CMRS for additional postage for the mailing machine in the amount of \$50,000.00; and a payment for the

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Sheriff's Office to Upstate Wholesale Supply, Incorporated for 15 new mobile data terminals purchased with funds received from the State Law Enforcement Block Grant in the amount of \$52,470.00.

Commissioner Lennon inquired about the payment to Mazanec, Raskin and Ryder, to which Mr. Morgan explained that this was the representation for Auditor Walder and is over and above the insurance limit. Mr. Gorton expressed that with the insurance the amount for both the Auditor and the Judge is about \$70,000.00.

Motion: by Commissioner Dvorak, seconded by Commissioner Lennon to approve and execute Resolution #21-100 itemizing the financials for the meeting of August 10, 2021.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye*</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

Commissioner Spidalieri stated that he would vote for the Financials but that he was voting no on the payment for the Auditor's Office. Clerk Christine Blair noted that there may be another invoice for Mazanec Raskin and Ryder as this invoice is only through mid-June and all documents were filed with the Supreme Court by June 30th.

AUDITOR'S OFFICE – TREASURER'S OFFICE – MONTHLY STATEMENT OF COUNTY FINANCES – JULY 2020 (REVISED) – MAY 2021

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to accept, execute and file the monthly Statement of County Finances filed by the County Auditor for the months of July 2020 (revised) through May, 2021 pursuant to O.R.C. 319.15.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to accept, execute and file the monthly Statement of County Finances filed by the County Treasurer for the months of July 2020 (revised) through May, 2021 pursuant to O.R.C. 319.15.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

DEPARTMENT OF DEVELOPMENTAL DISABILITIES – ADVERTISE BIDS – GEAUGA DD PLAYGROUND REPLACEMENT

Superintendent Don Rice explained that they were looking at the playground, which sits behind the pre-school, which was put in the 1990's. Mr. Rice explained that a big portion of it cannot be used as it is rusted out. Due to cost of replacements, they are asking to go out for bid as the estimate for the project is \$450,000-\$500,000.00. Mr. Dvorak asked if the equipment is for special needs kids. Mr. Rice stated that special playground equipment is costlier, as it needs to accommodate wheel chairs. Mr. Rice answered a question of Mr. Lennon as to the number of kids that use it being about 250 plus during the year.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to grant permission to advertise for Bids for the Geauga DD Playground Replacement to be held on Wednesday, September 8, 2021 at 2:30 p.m. Notice of this Bid Opening will be advertised on August 19, 2021, August 26, 2021 and on the county website.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

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**COUNTY ENGINEER'S OFFICE – UNIT PRICE CONTRACT – RONYAK PAVING
INCORPORATED – RESURFACING OF AUBURN ROAD – NEWBURY TOWNSHIP**

Deputy Engineer Nick Gorris asked the Board to execute the contract with Ronyak Paving for the resurfacing of Auburn Road.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute the Unit Price Contract with Ronyak Paving Incorporated for the Asphalt Resurfacing of Auburn Road (CH 0004, Sections I-J) in Newbury Township in the amount of \$367,090.00.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

**COUNTY ENGINEER'S OFFICE – UNIT PRICE CONTRACT – RONYAK PAVING
INCORPORATED – RESURFACING OF BUTTERNUT ROAD – MUNSON AND NEWBURY
TOWNSHIPS**

Mr. Gorris asked the Board to execute the contract with Ronyak Paving for the resurfacing of Butternut Road.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute the Unit Price Contract with Ronyak Paving, Incorporated for the Asphalt Resurfacing of Butternut Road (CH 0021, Sections D-E) in Munson and Newbury Townships in the amount of \$511,924.00.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

**DEPARTMENT ON AGING – EXTEND PROBATIONARY PERIOD – MELISSA WHEELER,
ASSISTANT SENIOR CENTERS' SUPERVISOR**

Internal Operations Manager Karen Stone asked the Board to extend the probation for Ms. Wheeler who was out on FMLA for six weeks.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to extend the probationary period for Melissa Wheeler, Assistant Senior Centers' Supervisor (#1037) through December 4, 2021 due to an FMLA leave.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

ARCHIVES AND RECORDS CENTER – CONTRACT AGREEMENT – SHRED-RITE, LLC

Mr. Morgan asked the Board to execute the annual contract with Shred Rite for shredding.

Motion: by Commissioner Lennon, seconded by Commissioner Spidalieri to approve, execute and initial the Contract Agreement with Shred-Rite, LLC to perform onsite disposal services for the period of one year in an amount not to exceed \$2,000.00.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

**DEPARTMENT OF DEVELOPMENT (COMMUNITY & ECONOMIC) – NOTICE OF AWARD
– ACQUIRE FIRE PROTECTION, INCORPORATED – MAPLE LEAF RESIDENCES
PROJECT**

Director Martin Castelletti asked the Board to execute the Notice of Award for the Maple Leaf Residences Project for Acquire Fire Protection.

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Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and authorize the President of the Board to execute the Notice of Award for Acquire Fire Protection, Incorporated for the Maple Leaf Residences Project in the amount of \$59,569.06.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

DEPARTMENT OF DEVELOPMENT (COMMUNITY & ECONOMIC) – RESOLUTION REQUESTING AUDITOR TO ESTABLISH NEW FUND – COMMUNITY REINVESTMENT AREA FUND

Mr. Castelletti asked the Board to approve and execute a Resolution requesting the Auditor to establish a new fund for a Community Reinvestment Area Fund, to handle the accounting for all expenditures relating to the annual report by the Tax Incentive Review Council.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute Resolution #21-101 Requesting the Auditor to Establish a New Fund called the Community Reinvestment Area Fund to account for all income and expenditures associated with the Tax Incentive Review Council and the creation of the Annual Report, in accordance with O.R.C. 3735.672 and 5709.85.

Board of County Commissioners, Geauga County, Ohio

Date: August 10, 2021

Resolution: #21-101

RESOLUTION REQUESTING TO ESTABLISH A NEW FUND

WHEREAS, the Geauga County Commissioners are requesting that a new fund be established and called the Community Reinvestment Area Fund; and

WHEREAS, the establishment of this new fund is for the deposit of all income and expenditures associated with the Tax Incentive Review Council and the creation of its Annual Report as outlined in 3735.672 and 5709.85 of the Ohio Revised Code; and

WHEREAS, the accounts will include revenue accounts including but not limited to the recognition of fees income, other revenue and transfers in from other funds within the County; and

WHEREAS, the accounts will include standard expense accounts including but not limited to those for contracts, materials & supplies, equipment, other expenses and transfers out, and

NOW THEREFORE BE IT RESOLVED, the Board of County Commissioners does hereby request the Geauga County Auditor to establish a new fund entitled: Community Reinvestment Area Fund.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

DEPARTMENT OF WATER RESOURCES – AUTHORIZE JAMES W. DVORAK TO EXECUTE OHIO PUBLIC WORKS COMMISSION, APPENDIX E – DISBURSEMENT - #5 – CHARDON TOWNSHIP SEWER PROJECT

Fiscal and Personnel Specialist Kathleen Miller asked the Board to authorize Mr. Dvorak to execute the Ohio Public Works Disbursement request #5 for the Chardon Township Sewer project.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and authorize James W. Dvorak, member and Chief Executive Officer to execute the Ohio Public Works Commission (OPWC), Appendix E – Disbursement Request

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Form and Certification #5 for the Chardon Township Sewer Project in the amount of \$195,000.00.

Roll Call Vote:	Commissioner Spidalieri	Aye
	Commissioner Lennon	Aye
	Commissioner Dvorak	Aye

DEPARTMENT OF WATER RESOURCES – CONTRACT AGREEMENT – MARK YOUNG GENERAL CONTRACTING, LLC

Ms. Miller asked the Board to execute an agreement with Mark Young General Contracting to remove and reset the washed membrane cells at McFarland.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute the Contract Agreement with Mark Young General Contracting, LLC to remove membrane cells from two tanks and install the washed membrane cell at the McFarland Wastewater Treatment Plant for a one-year period in an amount not to exceed \$38,000.00.

Roll Call Vote:	Commissioner Spidalieri	Aye
	Commissioner Lennon	Aye
	Commissioner Dvorak	Aye

DEPARTMENT OF WATER RESOURCES – CONTRACT MAINTENANCE FORM #1 – INCREASE CONTRACT – AUBURN FENCE CORPORATION

Ms. Miller asked the Board to execute the Contract Maintenance Form #1 with Auburn Fence for installation of a chain link fence and barb wire at the Troy Oaks Lift Station.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute Contract Maintenance Form #1 increasing the Contract with Auburn Fence Corporation to furnish and install chain link fence with barb wire at the Troy Oaks Lift Station locations in the amount of \$7,200.00 for a new three-year total contract amount of \$14,700.00.

Roll Call Vote:	Commissioner Spidalieri	Aye
	Commissioner Lennon	Aye
	Commissioner Dvorak	Aye

COMMISSIONERS' OFFICE – AIA STANDARD FORM OF AGREEMENT – ENVIRONMENTS 4 BUSINESS LLC – FURNITURE, FURNISHINGS AND EQUIPMENT – ACCEPT PERFORMANCE AND PAYMENT BOND – RELEASE BID BOND

Mr. Morgan asked the Board to execute the AIA Standard Form of Agreement with E4B for the furniture for the new building. Mr. Morgan asked the Board to accept the Performance Bond and Payment Bond.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute the AIA Standard Form of Agreement between owner (Geauga County Board of Commissioners) and vendor (Environments 4 Business, LLC) for Furniture, Furnishings and Equipment (FF & E) for the Office Building Project in the amount of \$1,301,387.91.

Roll Call Vote:	Commissioner Spidalieri	Aye
	Commissioner Lennon	Aye
	Commissioner Dvorak	Aye

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to accept the Performance and Payment Bond from Environments 4 Business, LLC for the Office Building Project and further release the Bid Bond.

Roll Call Vote:	Commissioner Spidalieri	Aye
	Commissioner Lennon	Aye
	Commissioner Dvorak	Aye

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Ms. Blair explained that she was working on trying to get meetings scheduled with Dr. DeCarlo at the Hospital, and asked them to check their schedules.

COMMISSIONERS' OFFICE – EXECUTIVE SESSION

Motion: by Commissioner Spidalieri, seconded by Commissioner Dvorak to move into Executive Session for the purpose of discussing Pending Litigations.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

The Board moved into Executive Session at 9:53 a.m. with Prosecutor Jim Flaiz, Assistant Prosecutor Laura LaChapelle and Mr. Morgan. The Board returned at 11:08 a.m.

Mr. Flaiz briefly explained a little about the National Opioid Litigation and there is a proposed settlement. Mr. Flaiz explained that there is a proposed National Settlement and a very specific Ohio Settlement. The OneOhio is a hard number settlement with the three big distributors and asked the Board to approve the resolution and execute the portion of the agreement.

Motion: by Commissioner Lennon, seconded by Commissioner Spidalieri to approve and execute Resolution #21-102 to Accept the Material Terms of the OneOhio Subdivision Settlement, Pursuant to the OneOhio Memorandum of Understanding and Consistent with the Terms of the July 21, 2021 National Opioid Settlement Agreement.

Board of County Commissioners, Geauga County, Ohio

Date: August 10, 2021
Resolution: #21-102

**RESOLUTION TO ACCEPT THE MATERIAL TERMS OF THE ONEOHIO SUBDIVISION
SETTLEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING
AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID
SETTLEMENT AGREEMENT**

WHEREAS, Geauga County, Ohio is a political subdivision formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio, its communities and Geauga County have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, certain Local Governments, and Geauga County through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and Geauga County has previously authorized the Prosecuting Attorney to enter into, and hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding (“MOU”) relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, the Board of Commissioners understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under

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the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Supply Chain Participants; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS, a settlement proposal is being presented to the State of Ohio and Local Governments by distributors AmerisourceBergen, Cardinal, and McKesson (collectively the "Settling Distributors") to resolve governmental entity claims in the State of Ohio using the structure of the OneOhio MOU and consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement; and

WHEREAS, the Board of Commissioners wishes to agree to the material terms of the proposed National Opioid Distributor Settlement Agreement with the Settling Distributors (the "Proposed Settlement").

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners hereby accepts, the Proposed Settlement on behalf of Geauga County, pursuant to the terms of the OneOhio MOU; and

BE IT FURTHER RESOLVED, that the Board of Commissioners hereby authorize the President of the Board to execute the Participation Agreement for the OneOhio Subdivision Settlement with McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation ("Settling Distributors") pursuant to the OneOhio Memorandum of Understanding regarding the pursuit and use of potential opioid litigation settlement funds and consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement available at <https://nationalopioidsettlement.com/>; and

BE IT FURTHER RESOLVED, that this Resolution becomes part of the permanent record of the Board of Commissioners of Geauga County, Ohio.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

Motion: by Commissioner Lennon, seconded by Commissioner Spidalieri to approve and authorize the President of the Board to execute Exhibit 6, OneOhio Subdivision Participation Form.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

There was a brief discussion about getting in at the beginning of this and will give us direct dollars and there is a favorable distribution for us and our region.

ACKNOWLEDGEMENTS

- a) The Monthly Financial Report from the County Building Department for the month of July 2021.*
- b) A monthly report filed by the Geauga County Sheriff's Office of an account of expenses for the Inmate meals for the month ending July, 2021.*
- c) A monthly report filed by the Geauga County Sheriff's Office of an account of expenses for the Prisoner Transport for the month ending July, 2021 as required by O.R.C. 325.07.*

OTHER

The Board reviewed upcoming events.

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MEETINGS

Tue., 8/10 The Commissioners will tour the County Building Site

Thu., 8/12 Special ADP Board meeting, 2:00 p.m. Auditor's Office

Fri., 8/13 NOACA, Finance & Audit 8:30 a.m., Governance 10:00 a.m. and Executive 11:30 a.m., Cleveland

Mon., 8/16 Family First Council, 1:30 p.m. at Mental Health Offices

Tue., 8/17 The Commissioners will hold regular session at 9:30 a.m.

Tue., 8/17 Geauga Trumbull Solid Waste Management District Board of Directors meeting, 1:00 p.m. Warren (District Office)

Mon., 8/23 Board of Revision, 9:00 a.m. Auditor's Office

Tue., 8/24 The Commissioners will hold regular session at 9:30 a.m.

Tue., 8/31 The Commissioners will hold regular session at 9:30 am.

Thu., 9/2 The Commissioners will hold regular session at 10:00 a.m. at the Great Geauga County Fair, Junior Fair Stage

*Mon., 9/6 **County Offices will be closed in observance of the Labor Day Holiday. Twenty-four hour operations will continue to operate as usual.***

Thu., 9/9 The Commissioners will hold regular session at 9:30 am.

BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to adjourn the meeting at 11:14 a.m.

Geauga County Board of Commissioners

James W. Dvorak

Timothy C. Lennon

Ralph Spidalieri

Christine Blair, Commissioners' Clerk

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