

**Commissioners' Journal**  
**July 17, 2008**

*The Geauga County Board of Commissioners met in session on July 17, 2008 at 10:00 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, Craig S. Albert opened the meeting at 10:10 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.*

APPROVE MINUTES

*Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute the minutes for the meeting of July 15, 2008.*

<i>Roll Call Vote:</i>	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Albert</i>	<i>Aye</i>

COUNTY ENGINEER'S OFFICE – C.I.R. INCORPORATED UNIT PRICE CONTRACT – GEORGIA ROAD RECONSTRUCTION PROJECT

*Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute a Unit Price Contract with C.I.R. Incorporated for the Georgia Road Reconstruction (Section D and a portion of Section C) Project, in Middlefield Township, in the amount of \$899,560.80.*

<i>Roll Call Vote:</i>	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Albert</i>	<i>Aye</i>

DEPARTMENT OF WATER RESOURCES - ARROWHEAD FARMS WATER IMPROVEMENT ASSESSMENT

*Direct Gus Saikaly reported that the Arrowhead Farms water project is complete and now the property owners will be assessed for the project. This resolution is the first step in the process in assessing the cost of the project to the properties that will benefit from the project. The final cost exceeded the estimates for reasons including time in obtaining easements, additional inspections requested by Hunting Valley Village and a few unexpected items in the amount of about \$20,000.00. Commissioner Albert asked if the price is set for property owners. Mr. Saikaly responded that the cost is set but the property owners have the opportunity to complain and or pay the assessment in full before it is put on their taxes for twenty years.*

*Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute Resolution 08-104 Confirming and Levying the Revised Assessments for the Arrowhead Farms Water Improvement Project in the Geauga County Sanitary Sewer District.*

*Board of County Commissioners, Geauga County, Ohio*

*Date: July 17, 2008*

*Resolution: 08-104*

*The Board of County Commissioners of the County of Geauga met on July 17, 2008, commencing at 10:00 o'clock, a.m., in regular session in the Commissioners' Chambers at 470 Center Street, Building No. 4, Chardon, Ohio, with the following members present:*

*Commissioner Samide    Commissioner Young*

*Commissioner Albert*

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*The Clerk advised the Board that the notice requirements of Section 121.22 of the Revised Code and the implementing rules adopted by the Board pursuant thereto were complied with for the meeting.*

*Commissioner Samide presented the following preambles and resolution and moved their adoption, which motion was duly seconded by Commissioner Young:*

**RESOLUTION NO. 08-104**

*A RESOLUTION CONFIRMING AND LEVYING THE REVISED ASSESSMENTS FOR THE ARROWHEAD FARMS WATER IMPROVEMENT PROJECT IN THE GEAUGA COUNTY SANITARY SEWER DISTRICT.*

*WHEREAS, the Geauga County Sanitary Engineer has presented to this Board the revised assessments for the property owners' portion of the cost of the Arrowhead Farms Water Improvement Project, thereby requiring that action be taken as in this resolution provided; and*

*WHEREAS, the actual cost of the Arrowhead Farms Water Improvement Project exceeds the estimated cost previously filed with this Board;*

*NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Geauga County, Ohio, that:*

*Section 1. The assessments in the aggregate amount of \$685,689.00 for the cost of constructing the Arrowhead Farms Water Improvement Project in the Geauga County Sanitary Sewer District are hereby approved, levied and confirmed.*

*Section 2. The amount assessed against any parcel of land may be paid in whole or in part in cash or by check until the close of business 30 days after the adoption of this resolution.*

*Section 3. All assessments and installments thereof remaining unpaid at the expiration of the period referred to in the preceding Section 2 shall be certified to the County Auditor as provided by law to be placed on the tax list and duplicate and collected as other taxes are collected in twenty annual installments, or forty semiannual installments, with interest at the same rate as shall be borne by any bonds issued or obligations incurred in anticipation of the collection of those assessments or at the same rate borne by the notes issued in anticipation of those bonds.*

*Section 4. This Board hereby directs the Clerk of this Board (i) to send to each owner of property assessed a notice by first class mail of the amount of the particular assessment and advising the owner that the assessment may be paid in whole or in part in cash or by check as provided above and (ii) to provide a notice once a week for two consecutive weeks in a newspaper of general circulation in the County of the adoption of this resolution and of the increase in actual cost of the Arrowhead Farms Water Improvement Project over the estimated cost.*

*Section 5. The Clerk of this Board is hereby directed to forward a certified copy of this resolution to the County Auditor within twenty days after its adoption.*

*Section 6. This Board finds and determines that all formal actions of this Board and of any of its committees concerning and relating to the adoption of this resolution were taken, and that all deliberations of this Board and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.*

<i>Roll Call Vote:</i>	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Albert</i>	<i>Aye</i>

**MAINTENANCE DEPARTMENT – PROSECUTOR’S OFFICE RENOVATION – LEGACY COMMERCIAL FLOORING – QUOTE AND CONTRACT AGREEMENT**

*The Board briefly discussed the fire alarm that went off at the Prosecutor’s Office renovation site yesterday and possible causes for the alarm going off at the construction site as there was no fire.*

*Motion: by Commissioner Samide, seconded by Commissioner Young to accept the quote from Legacy Commercial Flooring for Geauga County Prosecutor’s Office Renovation – Construction Phase Project in the amount of \$30,373.66.*

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<i>Roll Call Vote:</i>	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Albert</i>	<i>Aye</i>

*Motion:* by Commissioner Samide, seconded by Commissioner Young to approve and execute a Contract Agreement with Legacy Commercial Flooring for carpet, resilient tile and other flooring products installation for the Geauga County Prosecutor's Office Renovation – Construction Phase Project in the amount of \$30,373.66.

<i>Roll Call Vote:</i>	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Albert</i>	<i>Aye</i>

**COMMISSIONERS' OFFICE - CONDUIT FINANCING APPLICATION FEE AND CONDUIT HOSTING FEE**

*Commissioners' Clerk Claudine Kozenko stated that she forwarded to the Board information regarding the conduit financing fee as well as the financing hosting fee motion to be considered. County Administrator Dave Lair explained that the \$500.00 charge would cover the Camp Wise hosting finance issue, but this would apply to anyone else as well. Commissioner Albert inquired if a fee was received from the Judson financing project. Mr. Lair reported that we did not collect a fee as he was not aware at the time of the Judson project that action was taken by a previous Board establishing a conduit financing fee. The County Auditor had informed him of action taken by a previous Board of Commissioners. Commissioner Albert questioned the \$5,000.00 fee. Ms. Virginia Benjamin of Calfee, Halter and Griswold LLP (serving as bond counsel for Montefiore Housing) explained that the benefit of conduit financing to Montefiore Housing is that the bonds are tax exempt and therefore bear a lower interest rate. In order to access the tax exempt market the issuer must be a governmental entity. The county is providing a benefit for which the county is charging a fee. Mr. Lair added that it is a commonly accepted practice to charge a fee to cover internal legal service and labor involved in setting up this financing. Commissioner Albert asked if the county has any liability what-so-ever for the issuance of these bonds. Ms. Benjamin responded that there is no liability for payment of the debt service but she cannot say that there wouldn't be a circumstance under which the county would be pulled into a lawsuit. The County would not have to pay money on the bonds but may have to spend money to defend itself. Ms. Benjamin continued stating that the bonds are revenue obligations of the county and are payable from a specified source of revenue (Montefiore) but added that it is still the Board's name on the document. It is most unlikely though that the Board would be included in a lawsuit. The Board of Commissioners has no obligation for the debt service.*

*Motion:* by Commissioner Samide, seconded by Commissioner Young to increase the flat rate Conduit Financing Application Fee established by the Board of Commissioners on May 23, 2000, from \$1,000 to \$ 5,000.00 as a conduit issuer for accessing the tax-exempt bond market in Geauga County, and setting a fee of \$500.00 for rendering services other than serving as the conduit issuer of the bonds.

<i>Roll Call Vote:</i>	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Albert</i>	<i>Aye</i>

**COMMISSIONERS' OFFICE – RESOLUTION EXPRESSING CONDITIONAL INTENTION TO ISSUE SELF-SUPPORTING HEALTHCARE REVENUE BONDS TO BENEFIT MONTEFIORE HOUSING CORPORATION**

*Ms. Benjamin introduced the Montefiore Executive Director Arlene Manross who explained that they are building rooms for skilled nursing beds that were purchased from Geauga Hospital for a different care than Montefiore currently has. It will be like a rehabilitation area. Ms. Manross invited the Board to attend the ground breaking ceremony on July 24, 2008 at 3:00 p.m. Ms. Benjamin stated that they will be back in a few weeks regarding a public hearing.*

*Motion:* by Commissioner Samide, seconded by Commissioner Young to approve and execute Resolution 08- 103 Expressing the Conditional Intention of the County of

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*Geauga, Ohio to Issue its Self-supporting Healthcare Facilities Revenue Bonds for the Benefit of The Montefiore Housing Corporation Project (d.b.a. The Weils) in an amount not to exceed \$4,600,000.00, Authorizing the Execution of an Agreement Relating Thereto and to Related Matters.*

*Board of County Commissioners, Geauga County, Ohio*

*Date: July 17, 2008*

*Resolution: 08-103*

*The Board of County Commissioners in and for Geauga County, Ohio, met this day in regular session with the following members present:*

*Craig S. Albert, Commissioner  
Mary E. Samide, Commissioner  
William S. Young, Commissioner*

*The Clerk advised the Board that the notice requirements of Section 121.22 of the Revised Code and the implementing rules adopted by the Board pursuant thereto were complied with for the meeting.*

*Commissioner Samide presented the following Resolution and moved its adoption, which motion was seconded by Commissioner Young:*

*A RESOLUTION EXPRESSING THE CONDITIONAL INTENTION OF THE COUNTY OF GEAUGA, OHIO TO ISSUE ITS SELF-SUPPORTING HEALTHCARE FACILITIES REVENUE BONDS FOR THE BENEFIT OF THE MONTEFIORE HOUSING CORPORATION, IN AN AMOUNT NOT TO EXCEED \$4,600,000, AUTHORIZING THE EXECUTION OF AN AGREEMENT RELATING THERETO AND TO RELATED MATTERS.*

*WHEREAS, The Montefiore Housing Corporation, an Ohio non-profit corporation (the Borrower), intends to construct a facility comprising 21 skilled nursing beds and eight licensed residential care beds (collectively, the "Project") in Bainbridge Township, Ohio located in Geauga County at an aggregate estimated cost of approximately \$4.6 million (the Project); and*

*WHEREAS, the Borrower has requested that the County issue self-supporting revenue bonds in one or more series under the authority of Chapter 140, Ohio Revised Code, in an amount presently expected not to exceed \$4,600,000 (the Bonds), lease the site of the Project from the Borrower, and lease back to the Borrower such site for the construction of the Project and provide therefore the proceeds of those Bonds to the Borrower under the terms of the lease agreement to be entered into by the County and the Borrower and upon the condition that those proceeds be used solely to pay costs of the Project; and*

*WHEREAS, the Borrower wishes to proceed with the necessary actions for the structuring of its financing program and has requested an expression of this Board's willingness to authorize the issuance of the Bonds at a future date after the documentation relating to the financing has been prepared and completed; and*

*WHEREAS, the Bonds shall not represent or constitute a general obligation, debt or bonded indebtedness, or a pledge of the faith and credit of the County, the State or any political subdivision thereof, and the holders of the Bonds shall not be given and shall not have any right to have excises or taxes levied by this Board or the County, or the State or the taxing authority of any political subdivision thereof, for the payment of bond service charges or any other costs of the Project, and the Bonds will be payable solely from revenues of the Project and other monies available to the Borrower;*

*NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Geauga, in the State of Ohio:*

*Section 1. This Board of County Commissioners does hereby find and determine, based upon the representations of the Borrower, that the Project is consistent with the purposes of Section 13*

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*of Article VIII, Ohio Constitution and Chapter 140 of the Ohio Revised Code, for the public purpose of better providing for the health and welfare of the people of the state by enhancing the availability, efficiency, and economy of hospital facilities and the services rendered thereby to the people of the State of Ohio.*

*Section 2. In order to assist the Borrower in the financing of the Project, this Board hereby agrees to authorize and issue the Bonds in one or more series, pursuant to a plan of finance, in the presently estimated maximum aggregate face amount of \$4,600,000, pursuant to Article VIII, Section 13 of the Ohio Constitution and laws of the State of Ohio consistent therewith, and to make the proceeds of the Bonds available to the Borrower. The Borrower will indemnify and hold harmless the County, its officers and employees for any loss, cost, expense, claims or actions connected with this resolution, the Bonds or the Project, including without limitation the County's failure to issue the Bonds, as provided in the form of Agreement by and between the County and the Borrower attached hereto as Exhibit I (the Agreement), which is hereby approved. Any two Commissioners are hereby authorized and directed to execute the Agreement substantially in such form with such changes as are not adverse to the County as such Commissioners and the County's legal counsel may approve, such execution being conclusive evidence of approval of any such changes.*

*Section 3. This resolution is a Declaration of Official Intent under U.S. Treasury Regulations for purposes of Sections 103 and 141 to 150 of the Internal Revenue Code of 1986, as amended (the Code). Based upon the representations of the Borrower, the County reasonably expects that certain of the costs of the Project will be reimbursed with the proceeds of the Bonds. The maximum principal amount of the Bonds is expected to be \$4,600,000.*

*Section 4. Any one Commissioner, the Clerk of the Board and the County Administrator are each authorized to sign such documents as are required by the Ohio Department of Development for allocation of State ceiling to the Bonds under Section 146 of the Code and which are satisfactory in form to the officer signing such forms and to the County's legal counsel.*

*Section 5. The Issuer acknowledges that the law firm of Calfee, Halter & Griswold LLP (Calfee) will serve as bond counsel to the Borrower. The issuer designates the law firm of Squire, Sanders & Dempsey L.L.P. (Squire Sanders), as counsel to the Issuer in connection with the issuance of the bonds. The fees and expenses of Calfee and Squire Sanders for those legal services shall be paid by the Borrower pursuant to and as required by the provisions in the Agreement obligating the Borrower to indemnify the Issuer in connection with that issuance and sale of the Bonds and that implementation.*

*Section 6. This Board 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 and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.*

*Section 7. This resolution shall be in full force and effect immediately upon its adoption.*

<i>Roll Call Vote:</i>	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Albert</i>	<i>Aye</i>

**COMMISSIONERS' OFFICE – AMEND MOTION TO UPDATE ADVERTISING AND PUBLIC HEARING**

*Ms. Kozenko reported that Mr. Labes of Squires, Sanders and Dempsey emailed the advertisement, after discussing it with the newspaper employee, ten minutes before the employee went home sick and apparently the email could not be retrieved from the employee's email.*

*Motion: by Commissioner Samide, seconded by Commissioner Young to amend the motion of July 15th to reflect an updated advertising and public hearing date to read: "grant permission to advertise to hold a public hearing on July 31, 2008 at 10:30 a.m. with respect to the proposed issuance by the Colorado Educational and Cultural Facilities Authority of revenue bonds for the Mandel Jewish Community Center of Cleveland (Camp Wise). Notice of this hearing will be advertised on July 17, 2008.*

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*Roll Call Vote:*            *Commissioner Samide*            *Aye*  
   *Commissioner Young*            *Aye*  
   *Commissioner Albert*            *Aye*

COMMISSIONERS' OFFICE – OHIO ACADEMY OF SCIENCE STATE SCIENCE DAY 2008 AWARD – DESIREE ANGELOTTA AND KAREN KRUZER – WEST GEAUGA HIGH SCHOOL

*Motion:*            *by Commissioner Samide, seconded by Commissioner Young to approve and execute Resolution 08- 105 recognizing Desiree Angelotta's participation in The Ohio Academy of Science State Science Day 2008 Scholarship and Sponsored Award.*

*Roll Call Vote:*            *Commissioner Samide*            *Aye*  
   *Commissioner Young*            *Aye*  
   *Commissioner Albert*            *Aye*

*Motion:*            *by Commissioner Samide, seconded by Commissioner Young to approve and execute Resolution 08- 106 recognizing Karen Kruzer participation in The Ohio Academy of Science State Science Day 2008 Scholarship and Sponsored Award.*

*Roll Call Vote:*            *Commissioner Samide*            *Aye*  
   *Commissioner Young*            *Aye*  
   *Commissioner Albert*            *Aye*

COMMISSIONERS' OFFICE – CHANGE TIME AND LOCATION OF AUGUST 28, 2008 SESSION

*Motion:*            *by Commissioner Samide, seconded by Commissioner Young to hold the Board of Commissioners regular session of August 28, 2008 at the fairgrounds and to begin the meeting at 10:30 a.m.*

*Roll Call Vote:*            *Commissioner Samide*            *Aye*  
   *Commissioner Young*            *Aye*  
   *Commissioner Albert*            *Aye*

OTHER

*Commissioner Young informed the rest of the Board that as the Local Elected Official for G.A.P.P. Incorporated he was asked to send a letter of support to the Lieutenant Governor for the purchase of Ravenna Aluminum by Park-Ohio in Portage County. The purchase is important to Portage County as it will create 200 new jobs in the area as well as the State of Ohio. The Portage Workforce Connection (a partner of GAPP Incorporated Area 19 Workforce Investment Board) will spend \$46,000.00 over the next two funding years to assist Park-Ohio in on-the job training, customized training and incumbent worker training utilizing adult and dislocated worker funding.*

MEETINGS

*Fri., 7/18 TAC meeting at 10:00 a.m.*

*Mon., 7/21 Family First meeting at 2:00 p.m.*

*Tue., 7/22 The Commissioners will hold regular session.*

*Thu., 7/24 The Commissioners will hold regular session.*

*Fri., 7/25 The Commissioners will attend Iron Mountain National Underground Storage.*

*Tue., 7/29 The Commissioners will hold regular session.*

*Tue. 7/29 Saint-Gobain Crystals Grand Opening at 10:30 a.m.*

*Thu., 7/31 The Commissioners will hold regular session.*

*Thu., 7/31 The monthly economic development work session will be held at noon.*

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***BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, COMMISSIONER ALBERT ADJOURNED THE MEETING AT 11:02 A.M.***

*Geauga County Board of Commissioners*

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*Mary E. Samide*

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*William S. Young*

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*Craig S. Albert*

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*Claudine Kozenko, Commissioners' Clerk*