

**Commissioners' Journal**  
**June 14, 2011**

*The Geauga County Board of Commissioners met in session on June 14, 2011 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, Tracy A. Jemison opened the meeting at 10:01 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 work session with the Park District on June 7, 2011.*

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

*Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute the minutes for the meeting of June 9, 2011.*

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

**APPROVE FINANCIALS**

*Budget Administrator Heidi Delaney explained the financials as an appropriation transfer from the Contingency account to return appropriations to the Sheriff's Office for pay-ins made into the General Fund; cash transfers out of the General Fund for a portion of 2011 funding for the County Home and the distribution of gas well allotment proceeds for the period April through June, 2011 to the Metzenbaum Fund.*

*Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute Resolution #11-093 itemizing the financials for the meeting of June 14, 2011.*

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

**BUILDING DEPARTMENT – REFUND PERMIT FEES – EDMUND TOBIN**

*Motion: by Commissioner Samide, seconded by Commissioner Young to approve and refund the permit fees paid to Geauga County by Edmund Tobin for electric, outlets, and 1 percent BSA on a project that does not require electricity, in the amount of \$46.71.*

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

**OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – HIRE RACHEL LANE – FULL-TIME SUMMER HELP (#0101)**

*Program Administrator Joni Stusek stated that the department was grateful for the Board allowing them Summer Help this year. Ms. Lane just graduated from Chardon High School with honors. Commissioner Jemison stated that the help will be beneficial as Ms. Benton is out on maternity leave.*

*Motion: by Commissioner Samide, seconded by Commissioner Young to approve hiring Rachel Lane for the position of Full-time Summer Help (#0101) to be effective June 17, 2011 through September 30, 2011 at a rate of \$8.25 per hour.*

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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 Jemison</i>	<i>Aye</i>

*The Board congratulated Sheriff Dan McClelland on being named Dare Law Enforcement Executive of the Year for the State of Ohio.*

*A brief discussion was held regarding the Troy and Chagrin Towers being put up after a delay from the rain this spring.*

**SHERIFF' S OFFICE – AGREEMENT – STATE OF OHIO DEPARTMENT OF TRANSPORTATION (ODOT) – INMATE LABOR TO PERFORM ROADSIDE MAINTENANCE**

*Sheriff Dan McClelland explained that this agreement is a renewal with ODOT. Sheriff McClelland stated that the county is reimbursed for the cost to supervise an inmate crew to do roadside maintenance, but in essence we pick up litter. The county receives \$12,500.00 a year and this is a good thing for everybody; the appropriate classification of inmates get the chance to be outside and do something meaningful, the communities have the ditches and roadsides cleaned, the county gets reimbursed for our employees and ODOT gets a job completed that is a less desirable job for less than what it would cost them to do it. Sheriff McClelland stated that we currently are working under last year's agreement, and this is for next year.*

*Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute an Agreement between the State of Ohio Department of Transportation (ODOT) and the Geauga County Board of Commissioners for the utilization of inmate labor to perform roadside maintenance tasks on behalf of ODOT for the period July 1, 2011 through June 30, 2012.*

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

**COMMISSIONERS' OFFICE – RECEIPT OF FISCAL OFFICER'S CERTIFICATE - RESOLUTION PROVIDING FOR THE ISSUANCE OF NOTES IN AGGREGATE PRINCIPAL AMOUNT OF \$2,000,000.00 IN ANTICIPATION OF ISSUANCE OF BONDS REGARDING SAFETY CENTER IMPROVEMENT NOTES, SERIES 2011**

*County Auditor Frank Gliha stated that in order to move forward with obtaining another low interest rate for the Safety Center Improvement Notes and take the amount of outstanding debt down to \$2,000,000.00 we need to acknowledge the Fiscal Certificate and approve a resolution. Discussion was held regarding an upcoming meeting with the consultant to go over any questions and concerns in order to be prepared for the meeting that will be held in July with Moody regarding our bond rating.*

*Motion: by Commissioner Samide, seconded by Commissioner Young to acknowledge receipt of the Fiscal Officer's Certificate in regards to the \$2,000,000.00 Safety Center Improvement Notes, Series 2011.*

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

**COMMISSIONERS' OFFICE – RESOLUTION PROVIDING FOR THE ISSUANCE OF NOTES IN AGGREGATE PRINCIPAL AMOUNT OF \$2,000,000.00 IN ANTICIPATION OF ISSUANCE OF BONDS FOR PAYING A PORTION OF THE COSTS OF CONSTRUCTING A NEW COUNTY SAFETY CENTER**

*Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute Resolution #11-094 Providing for the Issuance of Notes of the County of Geauga, in the Aggregate Principal Amount of \$2,000,000.00 in Anticipation of the Issuance of Bonds for the Purpose of Paying a Portion of the Costs of Constructing a New County Safety Center.*

*Board of County Commissioners, Geauga County, Ohio*  
*Date: June 14, 2011*  
*Resolution: 11-094*

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*The Board of County Commissioners of the County of Geauga met on June 14, 2011, 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:*

*Tracy A. Jemison*

*William S. Young*

*Mary E. Samide*

*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. 11-094**

***A RESOLUTION PROVIDING FOR THE ISSUANCE OF NOTES OF THE COUNTY OF GEAUGA, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,000,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF CONSTRUCTING A NEW COUNTY SAFETY CENTER.***

*WHEREAS, pursuant to Resolution No. 10-127, adopted June 29, 2010, notes in anticipation of the issuance of bonds, dated August 18, 2010 and maturing August 18, 2011, in the aggregate principal amount of \$2,500,000 (the "Outstanding Notes") were issued for the purpose of paying a portion of the costs of constructing a new County Safety Center ("Project");*

*WHEREAS, this Board finds and determines that the County should retire the Outstanding Notes with the proceeds of the Notes described in Section 3, together with other funds available to the County; and*

*WHEREAS, the County Auditor, as fiscal officer, has certified to this Board that the estimated life or period of usefulness of the Project is at least five years, and that the estimated maximum maturity of the bonds is 27 years, and the maximum maturity of the Notes is August 30, 2024:*

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

*Section 1. It is necessary to issue bonds of this County in the aggregate principal amount of \$2,000,000 for the purpose of paying a portion of the costs of constructing a new County Safety Center (the Bonds).*

*Section 2. The Bonds shall be dated approximately August 1, 2012, shall bear interest at the now estimated rate of 6.0% per year, payable semi-annually until the principal amount is paid, and are estimated to mature in twenty annual principal installments that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal installment is estimated to be December 1, 2013.*

*Section 3. It is necessary to issue and this Board determines that notes in the aggregate principal amount of \$2,000,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire, together with other funds available to the County, the Outstanding Notes. The Notes shall bear interest at a rate or rates not to exceed 5.0% per year (computed on a 360-day per year basis) to be determined by the County Auditor in his certificate awarding the Notes and authorized in Section 6 hereof (the Certificate of Award), payable at maturity, and until the principal amount is paid or payment is provided for. The Notes shall be dated the date of issuance and shall mature not earlier than nine months from that date and not later than twelve months from that date, as shall likewise be determined by the County Auditor in the Certificate of Award.*

*Section 4. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America, without deduction for services of the County's paying agent, at the main office of The Huntington National Bank, Columbus, Ohio, or at such other office of a bank or trust company designated by the County Auditor in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the County and that proper procedures and safeguards are available for that purpose.*

*Section 5. The Notes shall be signed by at least two members of the Board of County Commissioners and by the County Auditor, in the name of the County and in their official*

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*capacities, provided that all but one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by the County Auditor, provided that the entire principal amount may be represented by a single note and provided no note shall be of a denomination of less than \$100,000. The Notes shall not have coupons attached, shall be numbered as determined by the County Auditor and shall express upon their faces the purpose, which may be in summary terms, for which they are issued and that they are issued pursuant to Chapter 133 and Section 307.02 of the Revised Code and this Resolution. The County Auditor is authorized, if it is determined to be in the best interest of the County, to combine the issue of Notes with one or more other note issues of the County into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code. The County Auditor is further authorized, if it is determined to be in the best interest of the County in connection with the sale of the Notes, to obtain a rating on the Notes from one or more nationally recognized rating service.*

*Notwithstanding any other provisions of this Resolution, if it is determined by the County Auditor to be advantageous to the County, the Notes may be issued in book entry form for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Notes may be issued in the form of a single, fully registered typewritten Note and registered in the name of a depository or its nominee, as registered owner, and immobilized in the custody of a depository; (ii) the beneficial owners in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the depository and its participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the depository and its participants subject to the terms of this Resolution; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the County.*

*Section 6. The Notes shall be and hereby are awarded and sold by the County Auditor at private sale at not less than par in accordance with law and the provisions of this Resolution. The County Auditor shall, in accordance with his determination of the best interests of and financial advantages to the County and its taxpayers and conditions then existing in the financial markets, determine the interest rate the Notes shall bear and their maturity consistent with this Resolution and make all other designations herein authorized, execute the Certificate of Award related thereto, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The County Auditor, the County Treasurer, the County Commissioners, the County Administrator and other County officials, as appropriate, each are authorized and directed to sign any transcript certificates, financial statements, other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Resolution. In connection with the issuance of the Notes herein authorized, the legal services of the law firm of Squire, Sanders & Dempsey L.L.P. are hereby retained to act as bond counsel to this County.*

*Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.*

*Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.*

*Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the County, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.*

*Section 10. The County of Geauga covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes will not be treated as an item of tax preference under Section 57 of the Code.*

*The County further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, and (b) it will not take or authorize to be taken any actions that would*

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*adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.*

*The County hereby represents that the Outstanding Notes (the Refunded Obligation) were designated or deemed designated, and qualified, as a "qualified tax-exempt obligation" under Section 265(b)(3) of the Code. The County hereby covenants that it will redeem the Refunded Obligation from proceeds of, and within 90 days after issuance of, the Notes, and represents that all other conditions are met for treating the amount of the Notes not in excess of the principal amount of the Refunded Obligation outstanding immediately prior to the redemption of the Refunded Obligation as "qualified tax-exempt obligations" without necessity for further designation and as not to be taken into account under subparagraph (D) of Section 265(b)(3) of the Code pursuant to subparagraph (D)(ii) of Section 265(b)(3) of the Code.*

*The amount of the Notes (such amount being the issue price of the Notes less accrued interest, if any, as determined under the Code) in excess of the principal amount of the Refunded Obligation that is outstanding immediately prior to the redemption of the Refunded Obligation is hereby designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code. If there is such excess, the County hereby represents and covenants that it, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which it issues obligations, in or during the calendar year in which the Notes are issued, (i) have not issued and will not issue tax-exempt obligations designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code, including the aforesaid amount of the Notes, in an aggregate amount in excess of \$10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the aforesaid amount of the Notes, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code to the extent that the amount of the refunding obligations does not exceed the outstanding principal amount of the refunded obligations) in an aggregate amount exceeding \$10,000,000, unless the County first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Notes as "qualified tax-exempt obligations."*

*Further, the County represents and covenants that, during any time or in any manner as might affect the status of the Notes as "qualified tax-exempt obligations," it has not formed or participated in the formation of, or benefitted from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The County further represents that the Notes are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.*

*Each covenant made in this section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes.*

*The County Auditor, as the fiscal officer, or any other officer of the County having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the County with respect to the Notes as the County is permitted to or required to make or give under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the County, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the County, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.*

*Section 11. The Clerk of this Board is directed to deliver a certified copy of this Resolution to the County Auditor.*

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*Section 12. This Board determines that all acts and conditions necessary to be done or performed by the County or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the County of Geauga have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the County are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.*

*Section 13. 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 14. This Resolution shall be in full force and effect from and immediately after its adoption.*

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

*SHERIFF' S OFFICE – AMENDED MOTION - AGREEMENT – STATE OF OHIO  
DEPARTMENT OF TRANSPORTATION (ODOT) – INMATE LABOR TO PERFORM  
ROADSIDE MAINTENANCE*

*Mr. Jemison stated that the previous motion needed to be amended as the agreement only required the signature of the President of the Board.*

*Motion: by Commissioner Samide, seconded by Commissioner Young to approve and authorize the President of the Board to execute an Agreement between the State of Ohio Department of Transportation (ODOT) and the Geauga County Board of Commissioners for the utilization of inmate labor to perform roadside maintenance tasks on behalf of ODOT for the period July 1, 2011 through June 30, 2012.*

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

*ACKNOWLEDGEMENTS*

- a) A monthly report filed by the Geauga County Sheriff's Office of an account of expenses for the prisoner transport for the month ending May 2011 as required by O.R.C. 325.07.*

*OTHER*

*The Board reviewed upcoming events.*

*MEETINGS*

*Tues., 6/14 Flag Day Luncheon 11:30 a.m. – 4:00 p.m., Chardon Square*

*Tues., 6/14 The Planning Commission meeting at 7:00 p.m. in the Planning Commission meeting room, Bldg. #1C, 470 Center Street*

*Thu., 6/16 The Commissioners will hold regular session*

*Thu., 6/16 St. Lucy's Dedication Ceremony, 1:00 p.m. Middlefield*

*Mon., 6/20 Board of Revision*

*Mon., 6/20 Family First Council meeting, 2:00 p.m.*

*Tues., 6/21 The Commissioners will hold regular session.*

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*Tues., 6/21 The Commissioners will hold Public Hearing #2 for the Community Development Block Grant (CDBG) Formula Grant Application at 10:30 a.m.*

*Wed., 6/22 Board of Revision*

*Thu., 6/23 The Commissioners will hold regular session.*

***BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, COMMISSIONER SAMIDE ADJOURNED THE MEETING AT 10:22 A.M.***

*Geauga County Board of Commissioners*

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*Tracy A. Jemison*

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*William S. Young*

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*Mary E. Samide*

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*Christine Blair, Commissioners' Clerk*

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