

Commissioners' Journal
August 21, 2008

The Geauga County Board of Commissioners met in session on August 21, 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 10:05 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 August 14, 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>

APPROVE FINANCIALS

Budget Officer Heidi Delaney reported the financials as including supplemental and appropriation transfers to redistribute appropriations where necessary; a supplemental de-appropriation for the Computer Equipment Improvement Fund (N3) in the amount of \$500,000.00; a purchase order for Workspace in the amount of \$64,630.94 for the Prosecutor's Office furniture; a voucher payment to Hanna Zabriskie and Daron Incorporated for the Prosecutor's remodeling project in the amount of \$224,398.30; and four travel requests for various departments. Commissioner Albert asked for a breakdown for the year on what is being paid out for day care from the welfare department. Commissioner Young questioned what the payment for Chardon Square Association was for. Commissioner Samide explained that it is for the hanging flower baskets in front of the county buildings on the square that is done every year.

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute Resolution 08-116 itemizing the financials for the meeting of August 21, 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>

DEPARTMENT OF WATER RESOURCES – RELEASE BID BOND – TRI-AXLE TRUCK CHASSIS

Motion: by Commissioner Samide, seconded by Commissioner Young to release the bid bond for the new 2008 model heavy duty tri-axle truck chassis with 4,200 gallon vacuum pumper tank project.

<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 EMERGENCY SERVICES – HIRE DEPUTY DIRECTOR – BRIAN LANEY

Director Dale Wedge reported the interviews were a four month process. Mr. Laney is qualified and certified in many things including NIMS and CERT instructor and a background in public information and is part of a SWAT team.

Motion: by Commissioner Samide, seconded by Commissioner Young to hire Brian M. Laney for the position of Deputy Director – Planning (#1712) at the starting rate of \$17.32 per hour, Pay Grade 12) to be effective September 4, 2008. After the successful completion of a 120 day probationary period the pay rate will increase to \$18.24 per hour. This is an exempt administrative position.

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

COUNTY HOME – ACCEPT RESIGNATION – LAUREEN SONIA

Motion: by Commissioner Samide, seconded by Commissioner Young to accept the resignation of Laureen Sonia, Full-time Cook (#1503) to be effective August 8, 2008.

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

COUNTY HOME – INTERNAL POSTING – FULL-TIME COOK

Motion: by Commissioner Samide, seconded by Commissioner Young to grant permission to post internally for the position of Full-time Cook (#1503) for five (5) days beginning August 22, 2008.

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

OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – HOUSING SEMI-ANNUAL PROGRAM INCOME REPORT

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and authorize the President of the Board to execute the Housing Semi-Annual Program Income report for the period of January 1, 2008 through June 30, 2008.

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

OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – RECLASSIFY ELIZABETH POWERS – SEASONAL HELP

Motion: by Commissioner Samide, seconded by Commissioner Young to approve to approve the reclassification of Elizabeth Powers to the position of Seasonal Help for the period October 1, 2008 through April 30, 2009 at the hourly rate of \$8.25 per hour (maximum of 520 hours to be worked).

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

OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – CERTIFICATE OF DETERMINATION – LOST POND PENDING PROJECT

Director Anita Stocker reported Lost Pond changed their location and are now going to Hambden. These documents have not gone to the Revolving Loan Fund committee yet. The documents are not binding and will just get the paper work started. Lost Pond is moving to property with no environmental change.

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and authorize the President of the Board to execute the Certification of Determination of Subsequent Exemption for a Categorical Exclusion Project for CDBG Program Income in regards to the Lost Pond Construction pending project.

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

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OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – LEGAL BINDING
DOCUMENTS – BURTON SCOT LLC/11330 KINSMAN LLC

Ms. Stocker, responding to Commissioner Albert's question, stated that personal guaranties are always taken because CED has a second position mortgage behind the bank so they take the personal guaranty to further their position.

Motion: by Commissioner Samide, seconded by Commissioner Young to Board approve and execute the following legal binding documents in regards to the Burton Scot LLC/11330 Kinsman LLC Revolving Loan Fund loan in the amount of \$250,000.00: Loan Servicing Letter, Mortgage (11330 Kinsman Road property), Promissory Note, Participation Agreement, Personal Guaranty of David Paulitsch and D. Scot Paulitsch, Corporate Guaranty of Burton Scot Construction LLC.

<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>

GEAUGA COUNTY AIRPORT AUTHORITY – REIMBURSEMENT #11 AND #12, AND
PROJECT CLOSEOUT REPORT / GRANT AMENDMENT - AIP 3-39-0054-0905

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and authorize the President of the Board to execute reimbursement #11 for the Federal Aviation Agency (FAA) Site Preparation for Parallel Taxiway Phase I (#AIP 3-39-0054-0905 Construct access road granular base, improve Airport Drainage; Obstruction Removal Trees in Runway 11 Approach) also identified as Ohio Department of Transportation Site Preparation for Parallel Taxiway (ODOT #06-2111) in the amount of \$3,974.10 (Federal share of \$3,775.00 and a local match of \$199.10), for the period November 5, 2007 through August 8, 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>

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and authorize the President of the Board to execute the Project Closeout Report and Grant Amendment for AIP 3-39-0054-0905 Construct access road granular base, improve Airport Drainage; Obstruction Removal Trees in Runway 11 Approach) also identified as Ohio Department of Transportation Site Preparation for Parallel Taxiway (ODOT #06-2111), in the amount of \$43,618.30, (Federal Share of \$41,437.00 and a local match of \$2,180.92) to cover eligible project cost over-runs.

<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>

Patty Fulop, Secretary/Treasurer/Manager reported that this project was bid out two and a half years ago. Ms. Fulop explained the cost overrun was due to the fact that, after the bid process was done, Soil and Water changed their requirements and the project had to be re-engineered (at a cost of \$175,000.00). Ms. Fulop added that they were able to save money in other areas so the over-run came to a little over \$40,000.00. They are looking for a completion date in 2010. Commissioner Young inquired about fencing around the airport. Many airports are not requiring fencing, however, there are fences on two of the main sides (one from the industrial park and one from Kraftmaid) and a gate across the front. FAA does not consider this airport a high priority. Commissioner Albert asked what has held this project up for the last two years. Ms. Fulop reported there were water retention systems engineered for this project but between the time the project was taking off and the systems being re-engineered Soil and Water Conservation District (SWCD) requirements had changed their requirements. Administrator Carmella Shale stated that the hold up was not due to SWCD. The airport submitted the project to SWCD who made their comments and waited on the airport to submit the revisions and design

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changes back to SWCD. SWCD waited two years for the revisions. Ms. Shale stated that the design company said the hold up was the fault of SWCD. Ms. Fulop replied that the airport was actually waiting for it to be resubmitted from the design company, it was not the hold up of SWCD. Ms. Fulop stated that the contractor was responsible for any re-engineering design and that the contractor did not understand how to redesign. They hired someone from the outside which took them 22 months to get it resubmitted. It was a difficulty between the engineer and the contractor.

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and authorize the President of the Board to execute reimbursement #12 for the Federal Aviation Agency (FAA) Site Preparation for Parallel Taxiway Phase I (#AIP 3-39-0054-0905 Construction Grant Amendment access road granular base, improve Airport Drainage; Obstruction Removal Trees in Runway 11 Approach) also identified as Ohio Department of Transportation Site Preparation for Parallel Taxiway (ODOT #06-2111) Construction and Grant Amendment for cost over-runs, in the amount of \$43,618.30 (Federal share of \$41,437.00 and a local match of \$2,180.92), for the period November 5, 2007 through August 8, 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>

COMMISSIONERS' OFFICE – PUBLIC HEARING – REVENUE BONDS – MONTEFIORE HOUSING CORPORATION PROJECT

Commissioner Albert opened the public hearing at 10:30 a.m. for the proposed issuance by the proposed issuer of Multi-Mode Variable Rate Health Care Facilities Revenue Bonds, Series 2008 (Montefiore Housing Corporation Project) by stating the hearing was properly advertised. The hearing was convened in accordance with Section 147(f) of the Internal Revenue Code of 1986 as amended. There have been no written submissions regarding the bonds. Present for the hearing were Sally Bell, Department on Aging Director,

Motion: by Commissioner Samide, seconded by Commissioner Young to waive the reading of the advertisement for the public hearing.

<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>

Present for the discussion Jennifer Roth from Calfee and Lauren Rock, President and CEO of Montefiore, Sally Bell, Department on Aging Director, Glen Miller of the Maple Leaf and Diane Ryder of the News Herald. Ms. Roth stated that she is here to ask the Board to approve the issuance of the bonds. Claudine Kozenko, Commissioners' Clerk asked Ms. Roth to explain this bond process and upcoming documents to the Board. Ms. Roth explained that the bonds are being issued for the benefit of Montefiore, a 501c3 company, and are asking the county to use their ability to issue tax exempt bonds for the benefit of Montefiore. The county has no obligation to pay back these bonds, it is strictly the obligation of Montefiore. Ms. Roth reported a lease and base lease are in place of a loan agreement and that is how the county and the entity interact. The additional security for the bonds is a letter of credit. If something goes wrong with the letter of credit it is an issue for the borrower not the county. The county is not obligated. If the letter of credit were to be terminated all of the bonds would be called back from the bond holders and paid by the bank (in this case Fifth Third Bank). Ms. Bell asked where the nursing home beds came from. Ms. Rock responded that they came from Geauga Hospital.

Being no further comments from the public Commissioner Albert closed the public hearing at 10:40 a.m.

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute Resolution 08-117.

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Date: August 21, 2008
Resolution: 08-117

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

Commissioner Samide Commissioner Young

Commissioner Albert

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:

RESOLUTION NO. 08-117

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF MULTI-MODE VARIABLE RATE HEALTH CARE FACILITIES REVENUE BONDS, SERIES 2008 (MONTEFIORE HOUSING CORPORATION PROJECT) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$4,600,000 FOR THE PURPOSE OF PAYING COSTS OF THE ACQUISITION, CONSTRUCTION, INSTALLATION AND EQUIPPING OF CERTAIN HOSPITAL FACILITIES WITHIN THE COUNTY OF GEAUGA, OHIO; PROVIDING FOR THE ASSIGNMENT OF REVENUES FOR THE PAYMENT OF THOSE BONDS, THE ACQUISITION OF A LEASEHOLD INTEREST IN CERTAIN PROPERTY AND THE LEASE OF THAT PROPERTY TO THE MONTEFIORE HOUSING CORPORATION; AND AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST SUPPLEMENTAL BASE LEASE, A FIRST SUPPLEMENTAL LEASE, A FIRST SUPPLEMENTAL TRUST INDENTURE AND A FIRST SUPPLEMENTAL ASSIGNMENT OF RIGHTS UNDER A LEASE TO PROVIDE FOR THE PAYMENT OF BOND SERVICE CHARGES, AND OTHER INSTRUMENTS AND DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THOSE BONDS.

WHEREAS, the County of Geauga, Ohio (the "Issuer"), a county and political subdivision in and of the State of Ohio, is authorized and empowered by virtue of the laws of the State, including without limitation, Chapter 140 of the Ohio Revised Code (the "Act"), among other things: (i) to acquire, construct, improve, renovate, install, equip and finance "hospital facilities" as defined in the Act, and to acquire by lease real estate within the boundaries of the Issuer and interests therein, including without limitation, improvements situated thereon comprising hospital facilities; (ii) to issue its revenue bonds for the purpose of paying the "costs of hospital facilities," as defined in the Act, within the boundaries of the Issuer; (iii) to enter into lease agreements to provide for revenues to pay the principal of and interest and any premium on those revenue bonds; (iv) to secure those revenue bonds by a trust indenture, by the pledge and assignment of its rights under a lease agreement, by a pledge and lien on the revenues and by an absolute and irrevocable assignment of certain funds to be held by the trustee under such trust indenture and (v) to enact this Bond Legislation, to enter into the First Supplemental Indenture, the First Supplemental Base Lease, the First Supplemental Lease, and the First Supplemental Assignment, all as hereinafter defined, and to execute and deliver certain other documents and instruments upon the terms and conditions provided herein and therein; and

WHEREAS, the Board of County Commissioners of the Issuer (the "Board") pursuant to the foregoing authority has issued its \$14,130,000 County of Geauga, Ohio Multi-Mode Variable Rate Health Care Facilities Revenue Bonds, Series 2001 (Montefiore Housing Corporation) (the "Series 2001 Bonds") to assist in the financing of the acquisition, construction, improvement, installation and equipping of hospital facilities located in Bainbridge Townships, within the boundaries of the Issuer (the "Series 2001 Project"), and in connection therewith the Issuer entered into the Original Base Lease of the Series 2001 Project from Montefiore Housing Corporation (the "Borrower") and the Original Lease of the Series 2001 Project to the Borrower, and to secure said Series 2001 Bonds, the Issuer and The Huntington National Bank (the "Trustee") entered into the Original Indenture (each as hereinafter defined); and

WHEREAS, the Board, pursuant to the foregoing authority and at the request of the Borrower, has determined to assist in acquiring, constructing, improving, installing and equipping hospital facilities, including without limitation, site improvements, fixed and movable equipment and

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appurtenances thereto, in accordance with plans and specifications contemplated under the First Supplemental Lease as defined and authorized herein and to lease those hospital facilities to the Borrower, all for the purposes of better providing for the health and welfare of the people of the State and the Issuer by enhancing the availability, efficiency and economy of hospital facilities and the services rendered thereby and of providing efficient operation of hospital facilities by leasing them to the Borrower 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; and

WHEREAS, in order to assist in acquiring, constructing, improving, installing and equipping the Series 2008 Project (as hereinafter defined), the Issuer proposes to issue the Series 2008 Bonds (as hereinafter defined), and in connection therewith to enter into the First Supplemental Base Lease, the First Supplemental Indenture and the First Supplemental Lease; and

WHEREAS, this Board held a public hearing on the date hereof pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, for the purpose of informing interested parties of the Series 2008 Project and the proposed issuance of the Series 2008 Bonds, and to afford those parties an opportunity to express their views on the subject both orally and in writing;

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

Section 1. Definitions. In addition to the words and terms defined elsewhere in this Bond Legislation, or by reference to the Lease or the Indenture, unless the context or use indicates clearly another meaning or intent:

“Act” means Chapter 140, Ohio Revised Code, as enacted and amended from time to time.

“Alternate Credit Facility” means Alternate Credit Facility as defined in the Indenture.

“Assignment” means the Original Assignment and the First Supplemental Assignment, as either may be amended or supplemented from time to time.

“Authorized Denominations” means \$100,000 and multiples of \$5,000 in excess of \$100,000 as set forth in the Indenture.

“Bank” means initially, Fifth Third Bank, an Ohio banking corporation and its successors and assigns in its capacity as issuer of the Letter of Credit. Upon issuance and effectiveness of any Alternate Credit Facility, “Bank” shall mean the issuer thereof and its successors and assigns.

“Base Lease” means, collectively, the Original Base Lease and the First Supplemental Base Lease, and as either of them is amended or supplemented from time to time.

“Basic Rent” means Basic Rent defined in the Indenture.

“Bond Fund” means the Bond Fund created in Section 5.01 of the Original Indenture including the Accounts therein.

“Bond Legislation” means, as to the Series 2008 Bonds, this resolution as amended or supplemented from time to time.

“Bond Purchase Agreement” means the Bond Purchase Agreement by and among the Issuer, the Borrower and the Original Purchaser, relating to the Series 2008 Bonds.

“Bond Service Charges” means, for any series of Bonds, the principal of, premium, if any, and interest on such Bonds for any period or payable at any time, whether due on an Interest Payment Date, at maturity or upon acceleration or redemption.

“Bonds” means the Series 2001 Bonds, the Series 2008 Bonds and any Additional Bonds or series of Bonds authorized by Bond Legislation and issued pursuant to the Indenture.

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“Book entry form” or “Book entry system” means, with respect to the Bonds, a form or system, as applicable, under which (i) beneficial interests may be transferred only through a book entry made by others than the Trustee or the Registrar and (ii) physical Bond certificates in fully registered form are registered only in the name of a Depository or its nominee as Holder, with the physical Bond certificates “immobilized” in the custody of the Depository. The records maintained by others than the Trustee or the Registrar constitute the written record that identifies the owners and records, the transfer of the interests of the owners of beneficial interests in the Bonds and Bond Service Charges thereon.

“Borrower” means The Montefiore Housing Corporation, an Ohio nonprofit corporation and a nonprofit hospital agency, as defined in Section 140.01, Ohio Revised Code, and its lawful successors and assigns, including without limitation, any surviving, resulting or transferee corporation or entity permitted under the Lease.

“Clerk” means the Clerk of the Board of County Commissioners of the Issuer.

“Code” means the Internal Revenue Code of 1986, as amended from time to time, including, when appropriate, the statutory predecessor of the Code, and all applicable regulations (whether proposed, temporary or final) under that Code and the statutory predecessor of the Code, and any official rulings and judicial determinations under the foregoing applicable to the Bonds.

“Credit Facility” means the Letter of Credit or any Alternate Credit Facility delivered to the Trustee pursuant to Article VI of the Indenture.

“Credit Facility Issuer” means the Bank with respect to the Letter of Credit or the institution issuing any Alternate Credit Facility.

“Depository” means, any securities depository that is a clearing agency under federal law operating and maintaining, with its participants or otherwise, a book entry system to record ownership of book entry interests in Bonds, and to effect transfers of book entry interests in Bonds in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Executive” means the President of the Board.

“First Supplemental Assignment” means the Memorandum of First Supplemental Assignment of Lease Agreement, dated as of August 1, 2008, between the Issuer, as assignor, and the Trustee, as assignee, as such First Supplemental Assignment may be amended or supplemented from time to time.

“First Supplemental Base Lease” means the First Supplemental Base Lease, dated as of August 1, 2008, between the Borrower, as lessor, and the Issuer, as lessee, supplementing the Original Base Lease, as such First Supplemental Base Lease may be amended or supplemented from time to time.

“First Supplemental Indenture” means the First Supplemental Trust Indenture, dated as of August 1, 2008, between the Issuer and the Trustee, relating to the Series 2008 Bonds, supplementing the Original Indenture, as such First Supplemental Indenture may be amended or supplemented from time to time.

“First Supplemental Lease” means the First Supplemental Lease, dated as of August 1, 2008, between the Issuer, as lessor, and the Borrower, as lessee, supplementing the Original Lease, as such First Supplemental Lease may be amended or supplemented from time to time in accordance with its terms and the terms of the Indenture.

“Fiscal Officer” means the County Auditor or his duly appointed deputy.

“Holder” means the person in whose name a Bond is registered on the Register for which provision is made in the Indenture.

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“Hospital Documents” means the Base Lease, the Lease, the Bond Purchase Agreement, the Reimbursement Agreement, the Assignment and the any other security documents defined in the Reimbursement Agreement.

“Hospital Receipts” means (a) all moneys, investments and proceeds of investments received by the Issuer or the Trustee in connection with the lease, operation, acquisition, construction, improvement, renovation, installation, equipping or refinancing of the Leased Premises, including, without limitation (i) all moneys received under the Agreement, including without limitation, all Basic Rent; (ii) all gifts, grants, contributions, donations, interest subsidies or other moneys received under any federal program or from any other source for assistance in financing the costs of the Leased Premises; (iii) moneys in, including without limitation, investments credited to, the Special Funds, and income from the investment thereof, and (iv) all income and profit from the investment of the foregoing moneys, less (b) (i) all reasonable and proper expenses of operating, maintaining and repairing the Leased Premises, if any, to be paid by the Issuer or the State or any officer, body or agency of either, and (ii) any moneys or investments in the Rebate Fund and the accounts in the Bond Fund in which the Issuer and the Borrower have no right or interest as provided in the Indenture.

“Indenture” means, collectively, the Original Indenture and the First Supplemental Indenture, as either of them may be amended or supplemented from time to time.

“Interest Payment Date” means, as to the Series 2008 Bonds, (i) while the Series 2008 Bonds bear interest at the Six Month Interest Rate, the One Year Interest Rate, the Five Year Interest Rate or the Fixed Interest Rate, the first day of each April and October, and (ii) while the Series 2008 Bonds bear interest at the Daily Interest Rate, the Weekly Interest Rate, the One Month Interest Rate, or the Three Month Interest Rate, the first Business Day of each month commencing the first Business Day of October 2008.

“Issuer” means the County of Geauga, Ohio, a county and political subdivision in and of the State.

“Issuer Documents” means this Bond Legislation, the Lease, the Assignment, the Base Lease, the Bond Purchase Agreement and the Indenture; provided that when reference is made herein to the execution and delivery of the Issuer Documents, with respect to this Bond Legislation, that reference means instead its adoption.

“Lease” means, collectively, the Original Lease and the First Supplemental Lease, and any amendments or supplements to either of them.

“Lease Payments” means the amounts required to be paid by the Borrower as Basic Rent pursuant to the provisions of the Lease.

“Leased Premises” means the Leased Real Property and the Project.

“Leased Real Property” means the real property comprising the site the Project, as more fully described in the Lease, together with any substitutions therefor or additions thereto, less any removals therefrom from time to time as provided for and permitted by the Lease.

“Letter of Credit” means (A) the irrevocable direct-pay letter of credit to be issued by the Bank and delivered to the Trustee on the same date as the initial delivery of the Series 2008 Bonds and being an irrevocable obligation to make payment to the Trustee of up to the amounts therein specified with respect to (a) the principal amount of the Series Bonds outstanding to enable the Trustee to pay (i) the principal amount of the Series 2008 Bonds when due at maturity or upon redemption or acceleration, and (ii) an amount equal to the principal portion of the purchase price of any Series 2008 Bonds tendered for purchase by the Holders thereof, plus (b) the amount of interest due on the Series 2008 Bonds but not to exceed 98 days' accrued interest at the Maximum Rate to enable the Trustee to pay (i) interest on the Series 2008 Bonds when due and (ii) an amount equal to the interest portion, if any, of the purchase price of any Series 2008 Bonds tendered for purchase by the Holders thereof; as the same may be transferred, reissued, extended, amended to change the interest coverage period as contemplated in Section 2.05 hereof, or replaced in accordance with the First Supplemental Indenture

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and the Letter of Credit and (B) upon the issuance and effectiveness thereof, any Alternate Credit Facility.

“Maximum Interest Rate” means the Maximum Interest Rate as defined in the First Supplemental Indenture.

“Offering Circular” means the final Offering Circular relating to the original issuance of the Series 2008 Bonds.

“Original Assignment” means the Memorandum of Assignment of Lease Agreement, dated as of January 1, 2001, between the Lessor, as assignor, and the Trustee, as assignee, as amended or supplemented from time to time.

“Original Base Lease” means the Base Lease, dated as of January 1, 2001, between the Borrower, as lessor, and the Issuer, as lessee, as amended or supplemented from time to time.

“Original Indenture” means the Trust Indenture, dated as of January 1, 2001, between the Issuer and the Trustee relating to the Bonds, as amended or supplemented from time to time.

“Original Lease” means the Lease, dated as of January 1, 2001, between the Issuer, as lessor, and the Borrower, as lessee, as duly amended or supplemented from time to time in accordance with its terms and the terms of the Indenture.

“Original Purchaser” means Fifth Third Securities, Inc., Cleveland, Ohio.

“Project Fund” means the Project Fund created under the Indenture.

“Rebate Fund” means the Rebate Fund as defined in the Indenture.

“Reimbursement Agreement” means the Reimbursement Agreement, dated as of August 1, 2008, between the Borrower and the Bank, as amended or supplemented from time to time.

“Remarketing Agent” means, initially, Fifth Third Securities, Inc. and any person meeting the qualifications of, and designated from time to time, to act as Remarketing Agent under the Indenture.

“Remarketing Agreement” means the Remarketing Agreement dated as of August 1, 2008 between the Borrower and the Remarketing Agent, as the same may be amended from time to time, and any remarketing agreement between the Borrower and a successor Remarketing Agent.

“Revenues” means (a) the Lease Payments, (b) all amounts payable to the Trustee with respect to the principal or redemption price of, or interest on, the Bonds (i) by the Borrower as required under the Lease, (ii) upon deposit in the Bond Fund from the proceeds of the Bonds, and (iii) by the Credit Facility Issuer under a Credit Facility, and (c) investment income with respect to any moneys held by the Trustee in the Bond Fund. The term “Revenues” does not include any moneys or investments in the Rebate Fund.

“Series 2008 Bond” or “Series 2008 Bonds” means the County of Geauga, Ohio Multi-Mode Variable Rate Health Care Facilities Revenue Bonds, Series 2008 (Montefiore Housing Corporation Project).

“Series 2008 Project” means the real and personal property, as described in Exhibit D to the First Supplemental Lease, to be acquired, in whole or in part, with proceeds of the Series 2008 Bonds, together with any additions thereto or deletions therefrom pursuant to the provisions of the Lease, including, without limitation, the provisions of said Exhibit D to the First Supplemental Lease.

“Special Funds” means the Special Funds as defined in the Indenture.

“Specified Interest Rates” means the interest rate which the Bonds shall bear.

“State” means the State of Ohio.

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“Supplemental Indenture” means any indenture supplemental to the Indenture entered into between the Issuer and the Trustee in accordance with Article XIV of the Original Indenture.

“Tender Agent” means initially, The Huntington National Bank, and any successor Tender Agent as determined or designated under or pursuant to the First Supplemental Indenture.

“Trustee” means The Huntington National Bank, and its successors and assigns.

“Underwriter” means Fifth Third Securities, Inc., Cleveland, Ohio.

Words and terms used herein with initial capital letters and not herein defined have the meaning given to them in the Indenture.

The captions and headings in this Bond Legislation are solely for convenience of reference and do not define, limit or describe the scope or intent of any provisions or Sections of this Bond Legislation.

Section 2. Findings and Determinations; Authorization of the Bonds. This Board finds and determines, based on representations of the Borrower, that: (a) there is a substantial need within the Issuer for additional hospital facilities to better provide for the health and welfare of the people of the State and the Issuer by enhancing the availability, efficiency and economy of assisted living and skilled nursing facilities constituting hospital facilities and the services rendered thereby, and to facilitate the financing of those hospital facilities to provide health care to the residents of the Issuer available for the service of the general public without discrimination by reason of race, creed, color or national origin and at the lowest practicable cost; (b) the First Supplemental Base Lease, the First Supplemental Lease, the First Supplemental Indenture and the First Supplemental Assignment, and the Issuer's execution and delivery thereof, will promote the public purpose stated in Section 140.02 of the Act and restated in the preceding clause (a), and the Issuer will be duly benefited thereby; (c) the Series 2008 Project consists of “hospital facilities”, as defined in the Act; and (d) it is necessary to, and the Issuer shall, issue, sell and deliver, as provided and authorized herein and in the Indenture, pursuant to the authority of the Act, Series 2008 Bonds in the aggregate principal amount not to exceed \$4,600,000 for the purpose of providing funds, together with other available funds of the Borrower, to pay costs of the acquisition, construction, improvement, installation and equipping of the Series 2008 Project, including reimbursing the Issuer and the Borrower for certain payments made in connection therewith and paying certain expenses incurred in connection with the issuance of the Series 2008 Bonds.

Section 3. Terms and Provisions of the Series 2008 Bonds.

(a) Generally. The Series 2008 Bonds (i) shall be issued, unless a Supplemental Indenture shall have been executed and delivered pursuant to Section 14.01 of the Original Indenture, only in fully registered form through a book-entry system in book-entry form, substantially as set forth in the First Supplemental Indenture; (ii) shall be exchangeable for Series 2008 Bonds of Authorized Denominations, as provided in the First Supplemental Indenture; (iii) shall be numbered in such manner as to distinguish each Series 2008 Bond from any other Series 2008 Bond; (iv) shall be in Authorized Denominations; (v) shall be subject to optional and mandatory redemption, and shall be subject to optional and mandatory purchase, in the amounts, upon the conditions, and at the times and prices, and shall have such other terms as are set forth in the First Supplemental Indenture; (vi) shall be dated the date of their initial delivery to the Original Purchaser; (vii) shall bear interest, in accordance with the First Supplemental Indenture, from the most recent date to which interest has been paid or duly provided for or, if no interest has been paid or duly provided for, from the date of the Series 2008 Bonds, on the Interest Payment Dates as set forth in the First Supplemental Indenture; and (viii) shall bear interest (not to exceed the Maximum Interest Rate) as provided in the First Supplemental Indenture.

(b) Execution. The Series 2008 Bonds shall be signed by at least two members of the Board in their official capacities (provided that any or all of those signatures may be facsimiles).

(c) Appointment of Remarketing Agent and Tender Agent. The Issuer hereby appoints Fifth Third Securities, Inc., Cleveland, Ohio, as the initial Remarketing Agent and The Huntington National Bank as the initial Tender Agent under the First Supplemental Indenture.

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Section 4. Sale of the Series 2008 Bonds; Offering Circular. The Series 2008 Bonds are hereby sold and awarded to the Original Purchaser at an aggregate purchase price to be set forth in the Bond Purchase Agreement, which purchase price shall not be less than 97% of the principal amount of the Bonds. The Executive is further authorized to sign, acknowledge and deliver, in the name of and on behalf of the County, the Bond Purchase Agreement substantially in the form now on file with the Clerk of this Board, after approval thereof by the Prosecuting Attorney. The form of Bond Purchase Agreement is approved with such changes therein that are not materially inconsistent with this Bond Legislation and not substantially adverse to the Issuer and that are permitted by the Constitution and laws of the state of Ohio and shall be approved by the officials signing the Bond Purchase Agreement.

Each member of this Board, the Clerk, the Fiscal Officer, or any one of them acting alone or together with any other of them, are authorized and directed, for and in the name and on behalf of the Issuer, to make the necessary arrangements with the Original Purchaser to establish the date, location, procedure and conditions for the delivery of the Series 2008 Bonds to the Original Purchaser and to take all steps necessary to effect due execution, authentication and delivery to the Original Purchaser of the Series 2008 Bonds under the terms of this Bond Legislation and the First Supplemental Indenture.

It is determined by this Board that the price for and the terms of the Series 2008 Bonds, and the sale thereof, all as provided in this Bond Legislation and the First Supplemental Indenture, are in the best interests of the Issuer and are in compliance with all legal requirements.

The Issuer consents to the distribution of the Offering Circular, relating to the Series 2008 Bonds, by the Borrower and the Original Purchaser pursuant to the Bond Purchase Agreement. The Issuer does not object to the use and distribution by the Remarketing Agent of the Offering Circular for purposes of remarketing the Series 2008 Bonds with certain institutional investors.

The Issuer has not confirmed, and assumes no responsibility for, the accuracy, sufficiency or fairness of any statements in the Offering Circular or any amendments thereof or supplements thereto, or in any reports, financial information, offering or disclosure documents or other information relating to the Remarketing Agent, the Underwriter, the Borrower, the Bank or the history, businesses, properties, organization, management, financial condition, market area or any other matter relating to the Borrower, the Series 2008 Project or the Bank or contained otherwise in the Offering Circular.

Section 5. Allocation of Proceeds of Series 2008 Bonds. The proceeds of sale of the Series 2008 Bonds shall be deposited as described in the First Supplemental Indenture.

All funds, accounts and subaccounts contemplated in the Indenture, including those to be created in the First Supplemental Indenture, are authorized and directed hereby to be created and shall be used without further legislative action for the purposes specified in the Indenture.

Section 6. Security for the Series 2008 Bonds. To the extent and except as otherwise provided under the Indenture, and except as principal of and interest on the Series 2008 Bonds are payable from and secured by an absolute and irrevocable assignment of moneys drawn on the Letter of Credit or an Alternate Credit Facility, (i) the Bond Service Charges on the Series 2008 Bonds shall be equally and ratably payable solely from the Revenues, and (ii) the payment of Bond Service Charges on the Series 2008 Bonds shall be secured by the assignment of the Special Funds, including the Series 2008 Credit Facility Account, the Series 2008 Redemption Premium Account, the Series 2008 Remarketing Proceeds Account and the Series 2008 Defeasance Account of the Bond Fund, and the grant of a security interest in all moneys and investments in the Project Fund and the Revenues (other than such accounts in the Bond Fund) and the Hospital Receipts, all moneys and investments therein and the proceeds of the Letter of Credit by this Indenture, and (iii) payments due on the Series 2008 Bonds also shall be secured by the Guaranty delivered by the Borrower to the Trustee pursuant to the First Supplemental Lease. The principal of and any accrued interest on, the Series 2008 Bonds shall also be payable from moneys derived by the Trustee from drawings under the Letter of Credit related to the Series 2008 Bonds.

Anything in this Bond Legislation, the Bonds or the Indenture to the contrary notwithstanding, the Bonds do not and shall not represent or constitute a general obligation, debt or

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bonded indebtedness of the Issuer, and the Holders of the Bonds shall not be given and shall not have any right to have excises or taxes levied by the Issuer for the payment of Bond Service Charges thereon. The Series 2008 Bonds shall contain a statement to that effect and to the effect that the Bonds are payable, except as the Series 2008 Bonds are payable as to principal and interest only from moneys drawn under the Letter of Credit or an Alternate Credit Facility, solely from the Revenues and from any other moneys paid by the Borrower or obtained by the Trustee upon the exercise of rights and remedies under the Issuer Documents or the Hospital Documents. Nothing in the Bonds or the Issuer Documents, however, shall be deemed to prohibit the Issuer from using, of its own volition, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms or conditions of or its obligations under the Issuer Documents or the Bonds.

Section 7. Covenants and Agreements of Issuer. In addition to the other covenants of the Issuer herein and in the Issuer Documents, the Issuer further covenants and agrees as follows:

(a) Authority and Actions. The Issuer is, and upon delivery of the Series 2008 Bonds will be, duly authorized by the laws of the State, particularly and without limitation the Act, to issue the Series 2008 Bonds, to execute and deliver the Issuer Documents and other instruments and documents to which it is a party, to provide the security for payment of the Bond Service Charges on the Series 2008 Bonds in the manner and to the extent set forth herein and in the Indenture, to cause the acquisition, construction, improvement and equipping of the Series 2008 Project, all as authorized by this Board. All actions on the part of the Issuer for the issuance of the Series 2008 Bonds and the execution and delivery of the Issuer Documents and such other instruments and documents have been or will be duly and effectively taken. The Series 2008 Bonds will be valid and enforceable special obligations of the Issuer according to the terms thereof. Each duty of the Issuer and of its officers and employees undertaken pursuant to the Series 2008 Bonds and the Issuer Documents is a duty specifically enjoined by law pursuant to Section 140.06(J), Ohio Revised Code, upon the Issuer and each of those officers and employees having authority thereunder or by provision of law to perform the duty, resulting from an office, trust or station, within the meaning of Section 2731.01, Ohio Revised Code, providing for enforcement by writ of mandamus.

(b) Arbitrage Provisions; Transcript. The Issuer will, to the extent within its power and control, restrict the use of the proceeds of the Series 2008 Bonds in the manner and to the extent, if any, which may be necessary so that the Series 2008 Bonds will not constitute arbitrage bonds under Section 148 of the Code, after taking into account reasonable expectations at the time of the delivery of and payment of the Series 2008 Bonds. To that end, the Executive, the Fiscal Officer, the Clerk or any other officer having responsibility for issuing the Series 2008 Bonds, is authorized and directed, alone or in conjunction with any of the foregoing or with any other officer, employee or agent of, or consultant to, the Issuer, or with the Borrower or any officer, employee or agent of, or consultant to, the Borrower, to give:

- (i) an appropriate certificate on behalf of the Issuer for inclusion in the transcript of proceedings for the Series 2008 Bonds setting forth the reasonable expectations of the Issuer regarding the amount and use of the proceeds of the Series 2008 Bonds and the facts, estimates and circumstances on which those expectations are based, which certificate shall be premised on the reasonable expectations and the facts, estimates and circumstances as provided by the Borrower, all as of the date of delivery and payment for the Series 2008 Bonds, and*
- (ii) the statement setting forth the information required by Section 149(e) of the Code, which shall be based on the relevant information provided by the Borrower.*

The Clerk shall furnish to the Original Purchaser a true transcript of proceedings, certified by the Clerk, of all proceedings had with reference to the issuance of the Series 2008 Bonds, together with such information from the records as is necessary to determine the regularity and validity of the issuance of the Series 2008 Bonds.

(c) Further Assurances. The Issuer shall do all things and take all actions on its part necessary to comply with obligations, duties and responsibilities on its part under the Issuer Documents. Nothing herein or in the Issuer Documents shall be construed as requiring the Issuer to

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operate the Leased Premises or to use any moneys from any source other than Revenues or the Letter of Credit or an Alternate Credit Facility.

Section 8. Issuer Documents. To provide for the issuance and sale of the Series 2008 Bonds, the acquisition, construction, improvement, installation, equipping and financing of the Series 2008 Project, and the consummation of the transactions contemplated herein, any two or more members of the Board are authorized and directed to execute, acknowledge and deliver, for and in the name and on behalf of the Issuer, each Issuer Document in substantially the respective forms thereof submitted to this Legislative Authority as approved by the Prosecuting Attorney or any Assistant or Deputy Prosecuting Attorney of the Issuer (except that with respect to this Bond Legislation, that authority and direction refers to certification of the adoption of this Bond Legislation).

The Issuer Documents are approved with changes therein which are not inconsistent with this Bond Legislation, which are not adverse to the Issuer, which are permitted by the Act, and which are approved by the officer or officers executing the respective Issuer Documents and by the Prosecuting Attorney or any Assistant or Deputy Prosecuting Attorney of the Issuer. The approval of those changes by that officer or those officers, and the character of those changes as not being adverse to the Issuer, shall be evidenced conclusively by the execution of the respective Issuer Documents by that officer or those officers.

Section 9. Other Documents. Any member of the Board, the Fiscal Officer, the Clerk and any other appropriate officer of the Issuer, alone or in conjunction with any of the foregoing, are authorized and directed to execute, deliver and, if applicable file, for and in the name and on behalf of the Issuer, any certifications, financing statements, assignments and other instruments and documents which are necessary or appropriate to perfect the assignments contemplated in the Indenture and Assignment and to consummate the transactions contemplated in the Issuer Documents and the Series 2008 Bonds. Those certifications and other instruments and documents include, without limitation, a Letter of Representations with the Depository, an appropriate certificate under Section 149(e) of the Code, a report on Form 8038, and any other certifications and forms necessary or advisable under the Code and a certification by the Clerk of the transcript of proceedings relating to the issuance of the Series 2008 Bonds.

Section 10. Lien of Pledge Hereunder. As provided in Section 140.06(D) of the Act, the Hospital Receipts are subject to the lien of the pledge hereunder and under the Indenture without any physical delivery of the Hospital Receipts or further act, and the lien of that pledge is valid and binding against all parties having claims of any kind against the Issuer or the Borrower (irrespective of whether those parties have notice of such pledge), and creates a perfected security interest for all purposes of Chapter 1309, Ohio Revised Code, without the necessity for separation or delivery of the Pledged Receipts or for the filing or recording of the Indenture or any other resolution or instrument by which that pledge is created or any certificate, statement or other document with respect to that pledge. The pledge of and lien on the Hospital Receipts under the Indenture shall be effective and the money therefrom and thereof may be applied to the purposes for which pledged without necessity for any further act of appropriation. The Issuer acknowledges that pursuant to the Assignment of Rights Under a Lease Agreement, the Issuer has assigned its rights under the Base Lease and the Lease to the Trustee, except for certain unassigned rights.

Section 11. Release of Leased Premises. Consistent with the provisions of the Base Lease and the Lease, the Base Lease and the Lease may be amended, at any time and from time to time, to effect the release of and removal from the leasehold estates created thereby of any part of or interest in the Leased Premises and the transfer thereof to the Borrower.

No further legislative action of the Issuer shall be required to authorize or effect the release or removal of all or portions of the Leased Premises, or granting or modifying interests therein, as contemplated by the Base Lease and the Lease, and each member of the Board and the Fiscal Officer shall be and they hereby are authorized and directed to execute and deliver, alone or in combination with any other such official, any and all documents or instruments necessary or appropriate, as determined by such official or officials, to effect such release or removal, or such granting or modifying of interests in the Leased Premises.

Section 12. Compliance with Open Meeting Requirements. It is found and determined that all formal actions of this Board concerning and relating to the adoption of this Bond Legislation

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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 those formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

Section 13. Bond Counsel. This Board hereby designates the law firm of Calfee, Halter & Griswold LLP to serve as Bond Counsel and to provide legal services in the nature of legal advice and recommendations as to the documents and legal proceedings in connection with the issuance of the Series 2008 Bonds pursuant to Chapter 140, Ohio Revised Code. In rendering such services, said firm shall not exercise any administrative discretion on behalf of this Board or the Issuer in the formation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of this Board and the Issuer, or the execution of public trusts. For such services, said firm shall be paid just and reasonable compensation and reimbursement of actual out-of-pocket expenses, including, but not limited to, travel and duplicating expenses, and such payment shall be made from either the proceeds of the Series 2008 Bonds or from moneys of the Borrower and not from any other source. The Board hereby designates the law firm of Squire, Sanders & Dempsey L.L.P. to serve as Issuer's special counsel in connection with the issuance of the Series 2008 Bonds.

Section 14. Effective Date. This Bond Legislation shall take effect and be in force immediately upon its adoption.

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

**SOIL AND WATER CONSERVATION DISTRICT – CEDAR AND SOUTH STREET FLOOD
REMEDATION PROJECT – BAINBRIDGE TOWNSHIP**

Ms. Shale introduced their new employee Colleen Sharp who will be doing site inspections and helping with the Mitigation Bank. The Soil and Water Conservation District discussed the Bainbridge Township Cedar and South Street Flood Remediation Project. Deputy Director – Preparedness Ken Folsom (SWCD Board of Supervisors member) and eventually County Engineer R.L. Phillips were present for the discussion. Ms. Shale explained that the location of this project is located by the skating rink next to Chagrin Falls. The area gets flooded frequently. There is a 300 acre watershed that drains down to a 2 foot wide channel. The problem with the site is that the acreage is uphill with a high elevation and comes down a steep hill by the roller rink at a very fast pace into a shallow channel, and at the bottom it is flat and the water rises. This area has been flooding since 1930 and floods anytime a storm hits the area. Ms. Shale explained a timeline stating that in 2005 residents approached the township trustees with the flooding problem and in the summer of 2005 SWCD and CRWP (Chagrin River Watershed Partners) services were requested. SWCD coordinated a free design assistance through CSU Senior Design Group and completed a hydrologic analysis in May of 2006. In 2007 trustees had discussions with the prosecutor, SWCD and the County Engineer to come up with a legal solution. A Conservation Works of Improvement (CWI) is outlined in the ORC 1515 working through SWCD. Ms. Shale explained the legal process of how a CWI works which includes holding a public hearing on the design only and sending costs, plans and required certification and at which point the project would become a county project. The township can contract with SWCD, similar to a petition ditch process and the township can legally put money towards the project to solve the flooding situation. The township has spent \$50,000.00 on this project and may decide to put another \$50,000.00 to finish the design. If the petition is approved the final plans will be completed and will be certified to the Board of Commissioners who will decide if they want to proceed with the project and decide on the final assessments. If the project is approved by the Commissioners the funding scheme must be finalized. Funding may come from: assessment to landowners, State Capital Improvement Budget Line Item (no money this year), federal money, county and /or township money or the Board can declare a resolution to levy a tax to be voted on by the people (by precinct, although this has never been done in the State of Ohio). Ms. Shale added that the design includes underground storage and a detention basin and would require acquiring the ice rink property (the owner of this property is not opposed). The remaining steps in the CWI process are: the township must commit to additional funding for final construction plans and specifications, construction estimate; SWCD approves the petition; complete final construction plans and specifications; SWCD certifies and sends to the Commissioners; and the Board decides whether or not to accept the project and to proceed with a resolution for a levy assessment or declare necessity to levy a tax – voted on by the

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people. Bainbridge Township is the applicant for the CWI. Things to be considered are who would be included in the assessment and what their portion of the assessment would be as not all risks are the same. Bainbridge will have to decide if they will spend additional money to finish the plans for the flooding solution, and what is the willingness of residents to pay an assessment each year. The project could cost \$1.4 million not including the design, interest, maintenance, and legal counsel. The cost could reach \$2 million with a fifteen year assessment. There are 63 owners (85 parcels) that are in the watershed only, 25 owners (40 parcels) that have structure flooding and 18 residents (24 parcels) that have property flooding only. The watershed parcels are not directly affected by the project so therefore could have a lower minimal assessment. The structure flooding residents would receive the most benefit. SWCD will meet with Bainbridge Township. Commissioner Albert suggested that the property tax be re-evaluated for tax reduction on these properties due to the flooding and a possible assessment for this project, until this flooding problem is resolved. Commissioner Albert reiterated Ms. Shales' comment that one of the ways the township or county could expend money for this is if it is on their property or right of way – only as it is detrimentally affecting the roadway or the right-of-way. Commissioner Young suggested perhaps an open discussion with Bainbridge Township, Chagrin River Watershed Partners and the residents should happen before any decisions are made. The people in the area are complaining to the trustees that they cannot sell their property due to the flooding in the area. R.L. Phillips stated that ultimately it is the Boards decision as to whether or not a fair assessment can be done and whether or not it is worth the effort. Also, the \$1.4 million estimate is about a year old now and may change with the increase in costs which will probably be larger by next spring. Mr. Phillips stated it will have to be decided if it is valuable to enough residents to come up with a fair assessment to distribute in a fair manner as to who would benefit. This project is challenging and extremely unique to all.

DEPARTMENT ON AGING – HOMEBOUND TASK FORCE SERVICES UPDATE

Director Sally Bell updated the Board on the Homebound Task Force Services for Seniors from the Geauga Community Impact Committee. Ms. Bell reported that there are three primary purposes of this Initiative: 1. to ensure that all homebound seniors are offered choices about available services 2. to expand the capacity in Geauga County to provide services to frail and dependent older adults who live in the community due to the rising cost in health care. We cannot continue to do business as usual, we need to look internally for a better way to offer services and 3. to enhance the quality of life of the frail and dependent aging residents by helping them access needed benefits and services and assisting their family caregivers and enhance the information and services for professionals who work with them. Ms. Bell described the Points of Entry System and the "No Wrong Door" flow chart for consumers and / or caregivers. There are three main "doors" to get information for seniors – Department on Aging, Geauga Hospital and Job and Family Services. It is not about signing these people up for every available program. It is about the elderly person themselves being allowed to maintain control and choice for as long as they are able to. The first ways to help senior citizens is to understand their health situation and believe the best way to do this is through the geriatric assessment. Due to a funding situation the program ceased to be offered by University Hospital.

Based on the results of this Homebound Senior Strategy and Resource Plan committee results they have brought the one day assessment program back on July 1, which is offered at the University Hospital extended care campus. Services are available but they believe a better job could be done if all the agencies come together. Catholic Social Services has stepped up to the plate and will be a Care Manager and will take care of a person who does not have an agency assigned to them. A Care Manager is a knowledgeable person who will keep a case from the start until the client moves out of the county or dies. The Care Manager will be active only when needed. A lot of the budget is in-kind match but they are trying to get help from the Cleveland Foundation (as well as other foundations) to help with this plan for two and a half years. The Department on Aging Board has reviewed this document and accepted it in principle that they too believe that seniors should have choices about staying independently in the home. As soon as the Department on Aging can be fiscally responsible for covering current and previously cut programs they recommend that the Department become the responsible fiscal person for this program in the years to come. The reason for this is that seniors staying in their own home pay taxes and are a vital part of the community. If they can be healthy and safe in their own homes it will reduce the tax burden for everyone else. Ms. Bell reported she is proud of this Homebound Senior Strategy and Resource Plan. The Board responded that Ms. Bell did very well with this plan.

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COMMISSIONERS' OFFICE – PITNEY BOWES METER AND SCALE RENTAL AND SALES AND MAINTENANCE AGREEMENTS

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and authorize the President of the Board to execute the Pitney Bowes Intellilink Subscription/Meter and Scale Rental Agreement for the period June 27, 2008 through June 26, 2009, in the amount of \$252.00 per quarter.

<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 authorize the President of the Board to execute the Pitney Bowes Sales Agreement and Maintenance Agreement for postage machine maintenance for the period June 27, 2008 through June 26, 2010, in the amount of \$637.00 per year.

<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 – PATRIOT DAY CEREMONY

Motion: by Commissioner Samide, seconded by Commissioner Young to announce the Patriot Day ceremony will be held September 11, 2008 at the Geauga County Court House at 8:15 a.m. on the Chardon Square. The public is invited to join in the Patriot Day Observance and are asked to fly their flags at half-staff and to observe a moment of silence beginning at 8:46 a.m. to honor the innocent victims who lost their lives as a result of the terrorist attacks of September 11, 2001.

<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 – SAFETY CENTER IMPROVEMENT NOTE AND NO-LITIGATION CERTIFICATE

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute the Signature and No-Litigation Certificate in connection with the Safety Center Improvement Notes, Series 2008 in the amount of \$4,000,000.00.

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute the Safety Center Improvement Notes, Series 2008 in the amount of \$4,000,000.00.

<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>

LIQUOR LICENSE – ON THE WAY MINI MART – CHESTER TOWNSHIP

Motion: by Commissioner Samide, seconded by Commissioner Young to concur with the Chester Township Trustees in not requesting a hearing on the liquor license requested by Ohio Gas Retail LLC (d.b.a. On The Way Mini Mart) at 8501 Mayfield Road, Chester Township (C TRFO 6517527).

<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>

OTHER

The Board reviewed calendars and upcoming events.

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ACKNOWLEDGEMENTS

- a. *The A weekly report filed by the County Dog Warden of all dogs seized, impounded, redeemed or destroyed for the week ending August 6, 2008 as required by O.R.C. 955.12.*
- b. *The A weekly report filed by the County Dog Warden of all dogs seized, impounded, redeemed or destroyed for the week ending August 13, 2008 as required by O.R.C. 955.12.*

MEETINGS

- Thu., 8/21 The Commissioners will hold a PUBLIC HEARING on August 21, 2008 at 10:30 a.m. for the proposed issuance by the proposed issuer of Multi-Mode Variable Rate Health Care Facilities Revenue Bonds, Series 2008 (Montefiore Housing Corporation Project)*
- Tue., 8/26 The Commissioners will hold regular session.*
- Tue., 8/26 The Commissioners will hold PUBLIC HEARING #1 to discuss an increase in the Geauga County Sales and Use Tax Rate to be held on Tuesday, August 26, 2008 at 11:30 a.m.*
- Thu., 8/28 **The Commissioners will hold regular session at 10:30 a.m. at the Great Geauga County Fair on the Junior Fair Stage. NOTE DIFFERENT STARTING TIME AND DIFFERENT LOCATION.***
- Thu., 8/28 **The monthly economic development meeting is cancelled for August.***
- Mon., 9/1 County offices will be closed for general business due to the Labor Day holiday.*
- Tue., 9/2 **The Regularly scheduled Commissioners' meeting is cancelled.***
- Thu., 9/4 The Commissioners will hold regular session.*

BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, COMMISSIONER ALBERT ADJOURNED THE MEETING AT 11:40 A.M.

Gauga County Board of Commissioners

Mary E. Samide

William S. Young

Craig S. Albert

Claudine Kozenko, Commissioners' Clerk