

**Commissioners' Journal**  
**October 20, 2009**

*The Geauga County Board of Commissioners met in session on October 20, 2009 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, William S. Young opened the meeting at 10:04 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.*

**APPROVE MINUTES**

*Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute the minutes for the meeting of October 15, 2009.*

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

**APPROVE FINANCIALS**

*Fiscal Specialist Diane Arp explained the financials as including a de-certification for TTC MRDD Donation Fund; appropriation transfers include returning appropriations for Wellness Reimbursements; cash transfers include reimbursing funds to various accounts for Wellness Reimbursements; and one travel request.*

*Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute Resolution 09-191 itemizing the financials for the meeting of October 20, 2009.*

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

**ENGINEER'S OFFICE – CHANGE ORDER #1– PHIL MILLER CONSTRUCTION INCORPORATED – CHARDON WINDSOR ROAD BRIDGE**

*Commissioners' Clerk Claudine Kozenko read from the Engineer's Office letter stating that the increase was due mostly to an admixture for the concrete box structure to help protect the box from infiltration of water and extra asphalt needed to properly complete the project.*

*Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute Change Order #1 and final increasing the contract with Phil Miller Construction, Incorporated for The Replacement of the Chardon Windsor Road Bridge (Structure #13-5.43), in the amount of \$3,761.70.*

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

**OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – CHANGE ORDER #1– ROOFTOP INCORPORATED**

*Program Coordinator Rhea Benton explained that the change order was due to roof decking that needed replacing that was discovered after the shingles were removed.*

*Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute Change Order #1 increasing the contract with Rooftop Incorporated for an increase in scope of work to be performed at 11478 Bass Lake Road, Chardon, under Grant #B-F-08-026-1, in the amount of \$1,197.00.*

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

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*Ms. Kozenko reported that the document shows that the President of the Board should execute the change order, so the motion was adjusted.*

*Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and authorize the President of the Board to execute Change Order #1 increasing the contract with Rooftop Incorporated for an increase in scope of work to be performed at 11478 Bass Lake Road, Chardon, under Grant #B-F-08-026-1, in the amount of \$1,197.00.*

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

*OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – HABITAT FOR HUMANITY – NORTHVIEW ESTATES – CONSISTENT WITH LOCAL CHIS*

*Ms. Benton explained that the CHIS is a five year plan related to housing and this form states that the project is part of the CHIS plan.*

*Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute the Ohio Housing Finance Agency Certification of Consistency with Local Consolidated Plan or Comprehensive Housing Improvement Strategy (CHIS) certifying that the Habitat for Humanity of Geauga County Northview Estates, Middlefield Project is consistent with the current local CHIS.*

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

*COMMISSIONERS' OFFICE – FISCAL OFFICER'S CERTIFICATE AND RESOLUTION FOR ISSUANCE AND SALE OF BOND – HUMAN SERVICES BUILDING IMPROVEMENT BOND, SERIES 2009*

*Motion: by Commissioner Jemison, seconded by Commissioner Samide to acknowledge receipt of the Fiscal Officer's Certificate pertaining to the Human Services Building Improvement Bond, Series 2009, in the amount of \$650,000.00.*

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

*Commissioner Jemison explained that this issue had to be put in a ten year pay down due to a new interpretation by the federal government pertaining to reimbursements. They felt the county was being reimbursed too quickly and wanted it to be amortized over forty years. What the county has done is to do a ten year bond at \$65,000.00 a year plus interest (which will be refunded by the federal government) and there is a rental agreement with JFS for about \$65,000.00. This goes against the pay down that the Board believes is good business but there is no choice in this matter.*

*Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute Resolution 09-192 providing for the issuance and sale of a bond of the County of Geauga, in the Aggregate Principal Amount of \$650,000.00, for the Purpose of Paying a Portion of the Costs of Renovating, Adding to, Furnishing, Equipping and otherwise Improving the County's Human Services Building and Improving its Site.*

*Board of County Commissioners, Geauga County, Ohio*

*Date: October 20, 2009*

*Resolution: 09-192*

*The Board of County Commissioners of the County of Geauga met on October 20, 2009, 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:*

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*Commissioner Jemison    Commissioner Samide*

*Commissioner Young*

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

**RESOLUTION NO. 09-192**

**A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF A BOND OF THE COUNTY OF GEAUGA, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$650,000 FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF RENOVATING, ADDING TO, FURNISHING, EQUIPPING AND OTHERWISE IMPROVING THE COUNTY'S HUMAN SERVICES BUILDING AND IMPROVING ITS SITE.**

*WHEREAS, pursuant to Resolution No. 08-151, adopted October 21, 2008, notes in the aggregate principal amount of \$690,000, dated November 20, 2008, were issued in anticipation of the issuance of bonds to pay costs of the improvement described in Section 1, which notes will mature on November 19, 2009; and*

*WHEREAS, the County has determined to issue a bond to provide the funds necessary, together with other funds available to the County, to retire the principal of the outstanding notes at maturity; and*

*WHEREAS, the County Auditor (the County Auditor), as fiscal officer, has certified to this Board that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years and the estimated maximum maturity of the Bond described in Section 1 is 12 years;*

*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 a Bond of this County in the aggregate principal amount of \$650,000 for the purpose of paying a portion of the costs of renovating, adding to, furnishing, equipping and otherwise improving the County's Human Services Building and improving its site.*

*Section 2. The Bond shall be issued in one lot and only as a single fully registered bond, in the principal amount of \$650,000. The Bond shall be dated its date of issuance.*

*(a) The Bond shall bear interest at the rate (computed on the basis of a 360-day year consisting of 12 30-day months) as specified in the certificate setting forth and determining the terms of the Bonds and signed by the County Auditor in accordance with Sections 2 and 7 of this Resolution (the Certificate of Award), which interest rate shall not exceed 5.5% per annum, payable annually, semiannually or quarterly, as determined by the County Auditor in the Certificate of Award, to commence no later than November 1, 2010 (the Interest Payment Dates), until the principal amount has been paid or provided for. The Bond shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from its date of issuance.*

*(b) Principal on the Bond shall be paid annually on November 1, or the first date of such other month selected by the County Auditor in the Certificate of Award, in the years and principal amounts as follows:*

<i>Year</i>	<i>Principal Amount</i>
2010	\$65,000
2011	65,000
2012	65,000
2013	65,000
2014	65,000
2015	65,000
2016	65,000
2017	65,000
2018	65,000
2019	65,000

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*(c) If agreed to by the Original Purchaser, the Bond shall be subject to prepayment prior to stated maturity by and at the option of the County, in whole on any date permitted by the Original Purchaser after the issuance of the Bond, at a prepayment price of par plus accrued interest to the prepayment date, as specified in the Certificate of Award. The principal amount to be prepaid pursuant to this paragraph shall be prepaid only upon written notice from the County to the Bond Registrar (as defined in Section 4), and the registered owner of the Bond (the "Holder"). That notice shall specify the prepayment date and the principal amount of Bond to be prepaid, and shall be given at least 30 days prior to the prepayment date or such other period as shall be required by the Holder. In the event that notice of prepayment shall have been given by the County to the registered Holder, there shall be deposited with the Bond Registrar on or prior to the prepayment date, moneys that, in addition to any other money available therefor and held by the Bond Registrar, will be sufficient to prepay at the prepayment price thereof, plus interest accrued to the prepayment date, all of the portion of the Bond for which notice of prepayment has been given.*

*The principal amount of the Bond called for prepayment shall become due and payable on the prepayment date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the prepayment price, plus interest accrued to the prepayment date. If money for the prepayment of the Bond, together with interest accrued thereon to the prepayment date, is held by the Bond Registrar on the prepayment date, so as to be available therefor on that date, then from and after the prepayment date the Bond and portion thereof called for prepayment shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the prepayment date, the Bond shall continue to bear interest, until it is paid, at the same rate as it would have borne had it not been called for prepayment. All money held by the Bond Registrar for the prepayment of Bond shall be held in trust for the account of the Holder and shall be paid to it upon presentation and surrender of the Bond.*

*Section 3. The Bond shall be signed by at least two members of this Board and by the County Auditor, in the name of the County and in their official capacities, provided that any or all of those signatures may be a facsimile. The Bond shall express upon its face the purpose, in summary terms, for which it is issued and that it is issued pursuant to this resolution. The Bond shall not be valid or obligatory for any purpose or shall be entitled to any security or benefit under this resolution unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, this resolution. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the County Auditor on behalf of the County. The same person need not sign the certificate of authentication on all of the Bonds.*

*Section 4. The County Auditor is hereby appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bond (the Bond Registrar) so long as the Original Purchaser (as defined in Section 7) remains as the registered owner of the Bond. The County Auditor shall provide for the payment of the services rendered and for reimbursement of expenses incurred by the Bond Registrar in performing the duties and obligations of the Bond Registrar under this resolution. In the event that any other person shall become a registered owner of the Bond, then, prior to the execution and delivery of the Bond to that other person, there shall be executed and delivered, in the name and on behalf of the County, and in a form having the Council's approval, an agreement with a bank or trust company in which the County appoints that bank or trust company, and agrees to act, as the Bond Registrar for the Bond. The County Auditor shall provide for the payments of the services rendered pursuant to any such agreement from funds lawfully available and appropriated or to be appropriated for that purpose.*

*Section 5. The debt charges on the Bond shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent, by check or draft mailed by the Bond Registrar to that registered owner at the address shown on the Bond Register (as defined in Section 6 below) of the County at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date (the Record Date).*

*Section 6. So long as the Bond remains outstanding, the County will cause the Bond Registrar to maintain and keep at its office all books and records necessary for the registration, exchange and transfer of the Bond as provided in this Section (the Bond Register). Subject to the provisions of Section 5, the person in whose name the Bond is registered on the Bond Register shall be regarded as the absolute owner of the Bond for all purposes of this resolution. Payment of or on account of the debt charges on the Bond shall be made only to or upon the order of that person; neither the County nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the County's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.*

*The Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the office of the Bond Registrar together with an assignment signed by the*

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registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond, if requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the County are required, the Bond Registrar shall undertake the exchange or transfer of the Bond only after the new Bond is signed by the authorized officers of the County. In all cases of the Bond exchanged or transferred, the County shall sign and the Bond Registrar shall authenticate and deliver the Bond in accordance with the provisions of this resolution. The exchange or transfer shall be without charge to the owner, except that the County and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The County or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. The Bond issued and authenticated upon any exchange or transfer shall be a valid obligation of the County, evidencing the same debt, and entitled to the same security and benefit under this resolution, as the Bond surrendered upon that exchange or transfer.

Section 7. The Bond shall be sold by private sale to the original purchaser designated by the County Auditor in the Certificate of Award (the Original Purchaser) at a purchase price of par, and shall be awarded by the County Auditor with and upon such other terms as are required or authorized by this resolution to be specified in the Certificate of Award, in accordance with law and the provisions of this resolution. The County Auditor shall cause the Bond to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bond, to the Original Purchaser upon payment of the purchase price. Any member of this Board, the County Auditor, the Treasurer, the Prosecutor, the Assistant Prosecutor, the Clerk and other County officials, as appropriate, each are authorized and directed to sign any transcript certificates, financial statements and 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 Bond 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 8. The proceeds from the sale of the Bond, 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 Bond is being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 9. There shall be levied on all the taxable property in the County, in addition to all other taxes, a direct tax annually during the period the Bond is outstanding in an amount sufficient to pay the debt charges on the Bond when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. 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 Bond when and as the same fall due.

Section 10. The County covenants that it will use, and will restrict the use and investment of, the proceeds of the Bond in such manner and to such extent as may be necessary so that (a) the Bond 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 thereon 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 Bond to be and to 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 adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bond to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (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 were designated or treated as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code. The County hereby covenants that it will redeem the refunded obligations from proceeds of, and within 90 days after issuance of, the Bond, and represents that all other conditions are met for treating the Bond as "qualified tax-exempt obligations" and as not to be taken into account under subparagraph (D) of Section 2985(b)(3) of the Code, without necessity for further designation, by reason of subparagraph (D)(ii) of Section 2985(b)(3) of the Code. Further, the County represents and

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*covenants that, during any time or in any manner as might affect the treatment of the Bond as "qualified tax-exempt obligations", it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 2985(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 Bond is not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.*

*The County Auditor, as the fiscal officer, or any other officer of the County having responsibility for issuance of the Bond 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 Bond as the County is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bond 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 Bond, and (c) to give one or more appropriate certificates of the County, for inclusion in the transcript of proceedings for the Bond, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Bond, 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 Bond.*

*Each covenant made in this Section with respect to the Bond is also made with respect to all issues any portion of the debt charges on which is paid from proceeds of the Bond (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 Bond 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 Bond.*

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

*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 Bond 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 Bond 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 Bond; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bond.*

*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 Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

**OTHER**

*The Board reviewed calendars and upcoming events. Commissioner Jemison reported on the Family First Council John Murray Award.*

**MEETINGS**

<i>Tue., 10/20 Budget Hearings:</i>	<i>Transit</i>	<i>1:00 p.m.</i>
	<i>County Engineer</i>	<i>1:45 p.m.</i>
	<i>Public Defender</i>	<i>2:30 p.m.</i>

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*Water Resources* 3:15 p.m.  
*Coroner* 4:00 p.m.

*Thu., 10/22 The Commissioners will hold regular session.*

*Thu., 10/22 Budget Hearings:*

<i>Sheriff's Office</i>	<i>1:00 p.m.</i>
<i>Mental Health</i>	<i>1:45 p.m.</i>
<i>Maintenance</i>	<i>2:30 p.m.</i>
<i>Common Pls/Court Tech</i>	<i>3:15 p.m.</i>
<i>Prosecutor's Office</i>	<i>4:00 p.m.</i>

*Tue., 10/27 The Commissioners will hold regular session.*

*Thu., 10/29 The Commissioners will hold regular session.*

*Tue., 11/3 **The Regularly scheduled Commissioners' meeting is cancelled.***

*Thu., 11/5 The Commissioners will hold regular session.*

*Tue., 11/10 The Commissioners will hold regular session.*

*Wed., 11/11 **County offices will be closed for general business in honor of Veterans Day.***

*Thu., 11/12 **The Regularly scheduled Commissioners' meeting is cancelled.***

*Fri., 11/13 NOACA*

***BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, COMMISSIONER YOUNG ADJOURNED THE MEETING AT 10:30 A.M.***

*Geauga County Board of Commissioners*

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*Tracy A. Jemison*

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*Mary E. Samide*

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*William S. Young*

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*Claudine Kozenko, Commissioners' Clerk*