

**Commissioners' Journal**  
**January 26, 2016**

*The Geauga County Board of Commissioners met in session on January 26, 2016 at 9:00 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, Walter M. Claypool opened the meeting at 9:00 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.*

**MEETING MINUTES**

*Motion: by Commissioner Rear, seconded by Commissioner Spidalieri to approve and execute the minutes for the special meeting of January 19, 2016.*

<i>Roll Call Vote:</i>	<i>Commissioner Rear</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Claypool</i>	<i>Aye</i>

**APPROVE FINANCIALS**

*Budget and Finance Manager Heidi Delaney explained the financials for today as including a Revenue Certification for the Engineer's Office for interfund transfers for OPWC road projects; an Appropriation transfer to the Juvenile Court's 1001-007-02-901 "Other" expense line item in the amount of \$124,732.34 in response to a journal entry issued by Judge Timothy Grendell to the Board of County Commissioners on 1/6/2016; Cash transfers out of the General Fund for the 3<sup>rd</sup> quarter SFY2016 commitment for Family First Council and a portion of 2016 funding for the Office of Community & Economic Development; Travel requests for the Building Department, the Department of Job and Family Services, and the Juvenile Court; Payments to Kent Marks Home Improvements for Phase 1 and 2 of the Thompson Township Community Center Rehabilitation Project for the Office of Community and Economic Development totaling \$60,183.26; and a payment to Keystone Management / Tyco Integrated Security LLC for the purchase and installation of security cameras at the Geauga County Safety Center in the amount of \$21,887.00.*

*Commissioner Claypool expressed that everyone needs to understand the challenges and complexities that the Board has, and while some have made claims that we do not understand our duty and the separation of powers, know that we have consulted with our Attorney, the State Auditor, the State Auditor's Attorney, we had read and studied in a way to understand, the Supreme Court handbook on how the Courts are supposed to respond, and read a section from an opinion from the Attorney General: 'The duty to adopt a county's annual tax budget is imposed by R.C. 5705.28(A) upon its Board of County Commissioners, as the taxing authority of the county. In order to assist the Board of County Commissioners in the performance of this duty, "the head of each department, board, commission, and district authority entitled to participate in any appropriation or revenue of the county, shall file with the Board before the forty-fifty day prior to the date on which the budget must be adopted, an estimate of contemplated revenue and expenditures for the ensuing fiscal year'.*

*'It would appear that the judicial standard of reasonableness and necessity for determining the extent of a legislative authority's duty to appropriate funds requested by a court necessarily requires a court to include in its requests for funds some description of the purpose for which the funds are requested.' Mr. Claypool noted that to date we have not yet received a description for the funds of which we are about to deposit into an account.*

*Mr. Claypool stated that this is what the Ohio Judicial Conference Budget Resource Handbook, from the Supreme Court says regarding the duties of the Court: "Judges should keep in mind that Ohio law requires that the courts submit a budget that is 'reasonably necessary for it's operation." Courts should take time and care to prepare a budget request, with a narrative explanation for each line item. The narrative should explain why the budget amounts are necessary and reasonable and particularly explain in detail any requested increase or decrease.' Mr. Claypool stated that this is what the Supreme Court says that the Judges should do, while they are not obligated and have a choice on how they operate, however what the Judges do impacts our ability to do our duty, to determine the necessity and reasonable of the funds that we*

**Commissioners' Journal**  
**January 26, 2016**

*are charged to oversee, your money, the taxpayer dollars. Mr. Claypool expressed disappointment in the State Auditor when they went to them for assistance, adding that they are reluctant, but only stated that what the Judge and Court is doing is "not a best practice". Mr. Claypool expressed that he wished the situation was different, and is respectful of the Court in what they do.*

*Local resident Ed Buckles, from Troy Township made a statement that the perception in the community that this is all a big act, that each party is taking a position and when all is said and done, the Judge gets what he wants and the Board says we put up a good fight. Mr. Claypool stated that this belief couldn't be farther from the truth, and responded to Mr. Buckles regarding the mandamus action by asking him if he wanted the Board to spend taxpayers money to fight the Judge. Mr. Buckles expressed that if the Board doesn't fight, that every Judge in the County and State could do this. Mr. Claypool stated that the Board and their staff have spent countless hours working on doing what is right for the citizens of this county. Mr. Claypool expressed that there is a difference in approach, and gives no disrespect to his office; however the Board is challenged in doing their duty in determining the necessity of those funds. This amount is a small amount of the overall budget for the Juvenile Court, and he doesn't feel that it makes sense to spend additional tax dollars for the relatively small amount. Mr. Buckles added that he didn't feel that the Judge has shown respect to the Commissioners, and that the Board needs to think about that.*

*Local resident Diane Jones, from Auburn Township inquired if the \$194,000.00 that was in the court order been resolved, to which Mr. Claypool stated that the issue had been resolved. The \$194,000.00 is not needed because those funds are being replaced by grant funding.*

*Commissioner Rear expressed that the Board is not new to questioning the Court regarding funds, noting that in prior years the Board has appropriated funds to a line item, in which the Court moved funds to another fund to pay for something else, and the following year when the funds were not used for the program, he asked for an additional amount of funds for that same program, and again has consistently used those funds for other expenses. Mr. Rear stated that the answers that this Board needs, need to come from down State, and everyone down there is avoiding the situation. Mr. Rear reluctantly made the following motion:*

*Motion: by Commissioner Rear, seconded by Commissioner Spidalieri to approve and execute Resolution #16-009 itemizing the financials for the meeting of January 26, 2016.*

*Commissioner Spidalieri explained that he was voting no, based on that he feels there should be some presentation in regards to where the funds are going to be used. An additional hearing was held by the Commissioners and the Court chose not to show up, and his position is no.*

<i>Roll Call Vote:</i>	<i>Commissioner Rear</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>No</i>
	<i>Commissioner Claypool</i>	<i>Aye</i>

*Mr. Claypool stated that he is tortured on the matter, but agreed to move forward. Mr. Rear added that the feeling of torture was unanimous at the table.*

**COMMISSIONERS OFFICE- COUNTY ADMINISTRATOR'S REPORT**

*Mr. Lair report on the items approved January 21 and January 22, 2016 by the County Administrator, including a Separation Agreement, CDBG Housing Semi-Annual Report and a ED RLF Semi-Annual Report, authorized by Resolution #16-005 under the direction and supervision of the County Commissioners that was approved January 11, 2016 pursuant to O.R.C. 305.30.*

**AUDITOR AND TREASURER – MONTHLY STATEMENT OF COUNTY FINANCES – JANUARY THROUGH OCTOBER 2015**

*Motion: by Commissioner Rear, seconded by Commissioner Spidalieri to accept, execute and file the monthly Statement of County Finances filed by the County Auditor for the months January through October, 2015 pursuant to O.R.C. 319.15.*

**Commissioners' Journal**  
**January 26, 2016**

Roll Call Vote:	Commissioner Rear	Aye
	Commissioner Spidalieri	Aye
	Commissioner Claypool	Aye

*Motion:* by Commissioner Rear, seconded by Commissioner Spidalieri to accept, execute and file the monthly Statement of County Finances filed by the County Treasurer for the months January through October, 2015 pursuant to O.R.C. 319.15.

Roll Call Vote:	Commissioner Rear	Aye
	Commissioner Spidalieri	Aye
	Commissioner Claypool	Aye

**DEPARTMENT ON AGING – REMOVAL OF KATHY DELANEY FROM PAID ADMINISTRATIVE LEAVE**

Mr. Lair explained that this is to remove Ms. Delaney from paid administrative leave, she then will take vacation until her retirement resignation February 1, 2016.

*Motion:* by Commissioner Rear, seconded by Commissioner Spidalieri to approve the removal of Kathy Delaney, Assistant Site Coordinator from paid administrative leave effective January 15, 2016.

Roll Call Vote:	Commissioner Rear	Aye
	Commissioner Spidalieri	Aye
	Commissioner Claypool	Aye

**DEPARTMENT OF EMERGENCY SERVICES – APPLICATION FOR ARIC ANDERSON TO SERC TO SERVE AS FIRE REPRESENTATIVE ON THE LEPC**

Director Dale Wedge explained that when Mr. Folsom left, it left a vacancy on the LEPC, and he would like to appoint Aric Anderson from the Middlefield Fire Department to fill that position. Mr. Anderson is a FF/Paramedic, has all certifications and is now in charge of the County Hazmat Team and feel that he would be a great fit for the position.

*Motion:* by Commissioner Rear, seconded by Commissioner Spidalieri to approve and authorize the President of the Board to execute the Application for Appointment for Aric Anderson to the State Emergency Response Commission (SERC) for appointment to the Geauga County Local Emergency Planning Committee (LEPC) for the period ending August 14, 2017, to fill the unexpired term of Ken Folsom as the Fire Representative.

Roll Call Vote:	Commissioner Rear	Aye
	Commissioner Spidalieri	Aye
	Commissioner Claypool	Aye

**DISCUSSION – SOLID WASTE**

A brief discussion took place regarding the idea of a site being put into Geauga County for the collection of household Hazardous Waste. Mr. Wedge noted that his understanding was that the District is willing to put funding towards a building if the Board would provide a parcel of land. Mr. Wedge expressed that the facility would need to be manned and that the items be accepted from someone, as it can be a very dangerous situation for people to just drop things off. Having a facility that would be open to accepting items once or twice a month rather than only once or twice a year would be great, as they only accept items during certain times of the year at the facility in Warren.

**DEPARTMENT OF JOB AND FAMILY SERVICES – APPOINTMENT CRAIG A. SWENSON AND NANCY SEELBACH TO OHIO CHILDREN'S TRUST FUND CHILD ABUSE AND CHILD NEGLECT REGIONAL PREVENTION COUNCIL**

Executive Director Craig Swenson and Nancy Seelbach from Family First Council explained that House Bill 64 changed the way the Ohio Trust Fund will be structured throughout the State, and has created 8 regional councils, and is broken down by size/population. This has allowed for each of those counties to appoint 2 representatives to the Council and keeps the representation equal. Mr. Swenson asked that he and Ms. Seelbach be appointed. Ms. Seelbach stated that Family First Council was your local advisory board who accepted these funds, and then distributes them, and while this is a change, they feel they understand how these funds

**Commissioners' Journal**  
**January 26, 2016**

*should be spent. Ms. Seelbach explained that this is the only funds that come in for prevention of child abuse and neglect, and she doesn't want to see funds lost counting to the council for Geauga County. Mr. Swenson stated that historically \$33,000.00 has come to the Family First Council, and at this point we don't know what the funds will be, but they will fight for whatever we can for the County. Mr. Claypool expressed that he objects to regional councils, but feels that the two of them would be the best people to serve on behalf of Geauga County. Mr. Claypool stated that the regional councils being promoted are a disaster, because the dollars will flow to the area that has the greatest need, and is not in the best interest for our County. There was discussion about a request being made to delay this for a year because they are not ready, who the council will be sending the request to, and other things that they have been seeing changes on, due to the passing of House Bill 64. Mr. Swenson shared in the frustration of trying to get assistance from the State.*

*Motion: by Commissioner Rear, seconded by Commissioner Spidalieri to approve the appointment of Craig A. Swenson and Nancy Seelbach to the Ohio Children's Trust Fund Child Abuse and Child Neglect Regional Prevention Council for a two year term.*

<i>Roll Call Vote:</i>	<i>Commissioner Rear</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Claypool</i>	<i>Aye</i>

**MAINTENANCE – SERVICE CONTRACT AGREEMENTS**

*Director Glen Vernick explained the three service contracts for two year each that are open and can be used for things that cannot be handled by the Maintenance Department. Mr. Vernick stated that they are with Nolan Door that they have been working on replacing exterior doors, Vallo Tree for tree removal services and Universal Disposal to have the grease trap septic tank cleaned out twice a year at the Safety Center.*

*Motion: by Commissioner Rear, seconded by Commissioner Spidalieri to approve and execute a service Contract Agreement with Nolan Door and Hardware Company, Incorporated to perform Door Installations and Maintenance Service for Geauga County Buildings for the Years 2016 and 2017 in an amount not to exceed \$20,000.00.*

<i>Roll Call Vote:</i>	<i>Commissioner Rear</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Claypool</i>	<i>Aye</i>

*Motion: by Commissioner Rear, seconded by Commissioner Spidalieri to approve and execute a service Contract Agreement with Vallo Tree Service to perform Tree Maintenance Services as needed for Geauga County properties for the Years 2016 and 2017 in an amount not to exceed \$8,000.00.*

<i>Roll Call Vote:</i>	<i>Commissioner Rear</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Claypool</i>	<i>Aye</i>

*Motion: by Commissioner Rear, seconded by Commissioner Spidalieri to approve and execute a service Contract Agreement with Universal Disposal, Incorporated to perform Grease Removal and Maintenance of the Safety Center Grease Trap Septic Tank for the Years 2016 and 2017 in an amount not to exceed \$3,000.00.*

<i>Roll Call Vote:</i>	<i>Commissioner Rear</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Claypool</i>	<i>Aye</i>

**MAINTENANCE – SERVICE CONTRACT AGREEMENT**

*Ms. Jones asked what a sidewalk boiler is, to which Mr. Vernick explained that the sidewalk boiler constitutes tubes that run through the sidewalks to keep them heated and clear during inclement weather. Mr. Vernick stated that they had received 3 quotes to do a repair and the cost was not worth it just to do a repair, and they instead went out for additional quotes to do a replacement, and they ranged from the \$23,000.00 all the way up to \$62,000.00.*

**Commissioners' Journal**  
**January 26, 2016**

*Motion: by Commissioner Rear, seconded by Commissioner Spidalieri to approve and execute a service Contract Agreement with McPhillips Plumbing, Heating and Cooling to Supply and Install Sidewalk Boiler and Control Work at 470 Center Street, Chardon for the Year 2016 in an amount not to exceed \$23,695.00.*

<i>Roll Call Vote:</i>	<i>Commissioner Rear</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Claypool</i>	<i>Aye</i>

**ACKNOWLEDGEMENTS**

- a) A weekly report filed by the County Dog Warden of all dogs seized, impounded, redeemed or destroyed for the week ending January 7, 2016 and January 13, 2016 as required by O.R.C. 955.12.*

**OTHER**

*The Board reviewed upcoming events.*

**MEETINGS**

*Thu., 1/28 The Commissioners will hold regular session at 6:30 p.m.*

*Tue., 2/2 The Commissioners will hold regular session at 9:00 a.m.*

*Tue., 2/2 Geauga Trumbull Solid Waste Board of Directors meeting, 1:30 p.m. Warren, Ohio*

*Mon., 2/8 Board of Revision, 9:00 a.m. Auditor's Office*

*Tue., 2/9 The Commissioners will hold regular session at 9:00 a.m.*

*Tue., 2/9 Planning Commission meeting at 7:00 p.m. in the Planning Commission meeting room, Bldg. #1C, 470 Center Street, Chardon*

*Fri., 2/12 Leadership Geauga Government Day, 12:00 Noon, St. Mary's*

*Mon., 2/15 **County offices will be closed for general business due to the President's Day holiday. Twenty-four hour operations will continue to operate as usual.***

*Tue., 2/16 **The regularly scheduled Commissioners meeting has been cancelled.***

*Thu., 2/18 The Commissioners will hold regular session at 9:00 a.m.*

*Mon., 2/22 Family First Council, 2:00 p.m. Mental Health Offices*

*Tue., 2/23 The Commissioners will hold regular session at 9:00 a.m.*

*Thu., 2/25 The Commissioners will hold regular session at 6:30 p.m.*

**Commissioners' Journal**  
**January 26, 2016**

***BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD***

*Motion:*            *by Commissioner Rear, seconded by Commissioner Spidalieri to adjourn the meeting at 9:55 a.m.*

*Geauga County Board of Commissioners*

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*Walter M. Claypool*

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*Ralph Spidalieri*

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*Blake A. Rear*

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*Christine Blair, Commissioners' Clerk*

**Commissioners' Journal**  
**January 26, 2016**

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