

Commissioners' Journal
September 26, 2023

The Geauga County Board of Commissioners met in session on September 26, 2023 at 9:30 a.m. in the Commissioners' Offices located at 12611 Ravenwood Drive, Room B303 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, Ralph Spidalieri opened the meeting at 9:33 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.

Commissioner Dvorak read the following prayer:

Prayer about Truth

Lord, Jesus Christ

You are the way, the Truth about life.

Hear our prayers for Truth and integrity, in all segments of society today.

May the truth be spoken by us and affirmed in others, that in seeking truth, the world will come to find you, the source of All Truth.

Amen

FINANCIALS

County Administrator Gerard Morgan reported on financials from September 20, 2023 Resolution #23-158 that included Appropriations transfer from the Commissioners miscellaneous Operating Transfers Out expense account to the Legal Fees Special Counsel – Juvenile / Probate Expense Account, Contract purchase order from Transit to Laketran to setup the transfer of the \$20,000.00 carve out of funds that was held back for any incidental expenses (there were none). The encumbrance is a little more as there is an unresolved tax issue that is still be worked on; as approved by the County Administrator pursuant to Resolution #23-003 approved January 5, 2023 to authorize the County Administrator to execute, in the case of a lack of quorum of Commissioners and / or if session is cancelled on a regular financial day or on a day when financials need to be approved, the required approvals for county financials on behalf of the Board during the Year 2023, as authorized by O.R.C. 305.30.

COMMISSIONERS OFFICE - COUNTY ADMINISTRATOR'S REPORT

County Administrator Gerard Morgan reported on the items approved by the County Administrator on September 20, 2023 for the Commissioners' Office, per action on September 19, 2023, by the Board of Commissioners': Approved and executed the Engagement Letter with Roetzel and Andress for Retention Agreement re: Legal Representation of Geauga County Judge Timothy J. Grendell in Writ of Prohibition Action, State ex rel. Walder v Grendell, Case No. 2023-1154, Ohio Supreme Court and on September 25, 2023 for the Department on Aging approved hiring Keri Skrtic to the position of Full-time Recreation and Education Assistant #1005) to be effective October 16, 2023 at the rate of \$16.35 per hour with a one-year probationary period. This offer of employment is contingent upon the successful completion of the required pre-employment conditions, and approved hiring Holly Petrinec to the position of Full-time Recreation and Education Assistant #1005) to be effective October 16, 2023 at the rate of \$16.35 per hour with a one-year probationary period. This offer of employment is contingent upon the successful completion of the required pre-employment conditions; as authorized by Resolution #23-003 under the direction and supervision of the County Commissioners that was approved January 5, 2023 pursuant to O.R.C. 305.30.

MEETING MINUTES

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to approve and execute the minutes for the meeting of August 22, 2023.

<i>Roll Call Vote:</i>	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to approve and execute the minutes for the meeting of August 31, 2023.

**Commissioners' Journal
September 26, 2023**

Roll Call Vote: *Commissioner Lennon* *Aye*
 Commissioner Dvorak *Aye*
 Commissioner Spidalieri *Aye*

APPROVE FINANCIALS

Mr. Gorton explained the financials for today as including Appropriations transfers to the Sheriff for miscellaneous refunds, reimbursements and web checks that were deposited into the General Fund, Supplemental Appropriation for the Sheriff in the General Fund to cover 5% raises granted this year in the Sheriff's Labor Agreement as well as Materials and Supplies due to increased food costs, Multiple travel requests for Common Pleas Court, Job and Family Services and Probate Court, a Then and Now for Emergency Services to Sam Asher Computing Services Incorporated for Hyper Reach IPA WS Integrated messaging platform purchase and to Dronesence, Incorporated for licensing and support purchases that were not previously encumbered, a payment for Transit to Laketran for the balance of escrow funds owed to Laketran from Geauga Transits operations that had to be paid by the end of September and a Revenue Certification from the Common Pleas Court – Court Technology fund for additional transfers in money received this year.

Mr. Dvorak inquired about the money from Transit that needed to be paid back, to which Mr. Gorton stated that there was enough funds left to repay the cash advance plus the cost allocation.

Motion: *by Commissioner Lennon, seconded by Commissioner Dvorak to approve and execute Resolution #23-159 itemizing the financials for the meeting of September 26, 2023.*

Roll Call Vote: *Commissioner Lennon* *Aye*
 Commissioner Dvorak *Aye*
 Commissioner Spidalieri *Aye*

COMMISSIONERS' OFFICE – REVISION TO 2024 BUDGET HEARING SCHEDULE

Mr. Gorton asked the Board to approve the revision to the budget hearing schedule for Thursday, that includes swapping Aging and Maintenance time slots.

Motion: *by Commissioner Lennon, seconded by Commissioner Dvorak to approve a revision to the 2024 Budget Hearing Schedule, swapping the time slots for Aging and Maintenance Projects on Thursday, September 28, 2023.*

Roll Call Vote: *Commissioner Lennon* *Aye*
 Commissioner Dvorak *Aye*
 Commissioner Spidalieri *Aye*

AUDITOR'S OFFICE – RESOLUTION ACCEPTING AMOUNTS AND RATES AS DETERMINED BY BUDGET COMMISSION – AUTHORIZING NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE AUDITOR

Mr. Gorton explained that this was provided to use by the Auditor's Office for the Amounts and Rates determined by the Budget Commission for the necessary tax levies and certifying them to the County Auditor.

Motion: *by Commissioner Lennon, seconded by Commissioner Dvorak to approve and execute Resolution #23-160 Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor.*

**Commissioners' Journal
September 26, 2023**

Board of County Commissioners, Geauga County, Ohio

Date: September 26, 2023
Resolution: #23-160

Tax Year 2023 (2024 Collection Year)

**¹RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY
THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY AUDITOR**

(BOARD OF COUNTY COMMISSIONERS)
Revised Code, Secs.5705.34, 5705.35

The Board of County Commissioners of Geauga County, Ohio, met in regular session on the 26th day of September, 2023 at offices of the Board of County Commissioners, located at 12611 Ravenwood Drive, Room B303, Chardon, Ohio, with the following members present:

Ralph Spidalieri

James W. Dvorak

Timothy C. Lennon

Commissioner Lennon moved the adoption of the following Resolution:

WHEREAS, the Board of County Commissioners in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing on January 1, 2024; and

WHEREAS, The Budget Commission of Geauga County, Ohio, has certified its action thereon to this Board together with an estimate by the County Auditor for the rate of each tax necessary to be levied by this Board, and what part thereof is without, and what part within the ten mill tax limitation; and

THEREFORE, BE IT RESOLVED, By the Board of County Commissioners of Geauga County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and

BE IT FURTHER RESOLVED, That there be and is hereby levied on the tax duplicate of said County the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

Commissioners' Journal
September 26, 2023

SCHEDULE A				
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION, AND COUNTY AUDITORS ESTIMATED TAX RATES				
FUND	Amount to Be Derived from Levies Inside 10 Mill Limitaion	Amount Approved by Budget Commission Outside 10 Mill Limitation	County Auditor's Estimate of Tax Rate to Be Levied	
			Inside 10 Mill Limit	Outside 10 Mill Limit
	Column I	Column II	III	IV
General Fund	\$8,926,641.00		2.50	
Road & Bridge Fund		\$3,512,272.00		2.50
District Board of Health		\$639,708.00		0.20
General Bond Retirement				
Senior Citizens Special		\$3,198,549.00		1.00
Child Welfare Services		\$3,845,167.00		1.20
Mental Health & Clinics		\$3,838,260.00		1.20
Mental Retardation Special		\$13,216,266.00		4.30
Geauga County Public Libra		\$5,894,042.00		2.00
Geauga County Library Bond		\$1,054,041.00		0.32
TOTAL	\$8,926,641.00	\$35,198,305.00	2.50	12.72

**Commissioners' Journal
September 26, 2023**

SCHEDULE B LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES				
FUND			Maximum Rate Authorized to be Levied	County Auditor's Estimate of Yield of Levy (Carry to Schedule A, Column II)
Road & Bridge	1986	levy authorized by voters on: November 2, 2021	2.50	\$3,512,272.00
	not to exceed	5 years		
Mental Retardation	2004	levy authorized by voters on: November 4, 2008	3.30	\$10,003,899.00
	not to exceed	Continuing years		
Mental Health	2008	levy authorized by voters on: November 7, 2017	0.50	\$1,599,276.00
	not to exceed	5 years		
Health District	2009	levy authorized by voters on: November 6, 2018	0.20	\$639,708.00
	not to exceed	5 years		
Mental Health	2009	levy authorized by voters on: November 5, 2019	0.70	\$2,238,984.00
	not to exceed	5 years		
Senior Citizens	2010	levy authorized by voters on: March 17, 2020	1.00	\$3,198,549.00
	not to exceed	5 years		
Childrens Services	2011	levy authorized by voters on: November 3, 2020	0.70	\$2,238,984.00
	not to exceed	5 years		
Mental Retardation	2015	levy authorized by voters on: November 5, 2019	1.00	\$3,212,367.00
	not to exceed	Continuing years		
Childrens Services	2015	levy authorized by voters on: March 17, 2020	0.50	\$1,606,183.00
	not to exceed	5 years		
Geauga Library	2007	levy authorized by voters on: November 6, 2007	1.00	\$2,947,021.00
	not to exceed	Continuing years		
Geauga Library	2010	levy authorized by voters on: November 2, 2010	1.00	\$2,947,021.00
	not to exceed	Continuing years		
Geauga Library	2017	levy authorized by voters on: November 7, 2017	0.32	\$1,054,041.00
	not to exceed	30 years		
		levy authorized by voters on: _____		
	not to exceed	years		

and be it further RESOLVED That the Clerk of this Board be and is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Commissioner Dvorak seconded the motion and the roll being called upon its adoption the vote resulted as follows:

Roll Call Vote:

<i>Commissioner Lennon</i>	<i>Aye</i>
<i>Commissioner Dvorak</i>	<i>Aye</i>
<i>Commissioner Spidalieri</i>	<i>Aye</i>

COUNTY ENGINEER'S OFFICE – RESOLUTION TO ORDER REPLACEMENT OF ROBINSON ROAD BRIDGE, CHARDON TOWNSHIP – SET BID OPENING

Deputy Engineer Shane Hajjar asked the Board to approve the resolution to order the replacement of the Robinson Road Bridge and set a bid opening on November 1st. Mr. Dvorak inquired about the age of the bridge, to which Mr. Hajjar wasn't sure of the age, just that it is one of the lowest ranked bridges in the county and will be replaced with a truss, and will be the only truss bridge in the county. Mr. Dvorak inquired about OPWC funding to which Mr. Hajjar stated that this is federally funding through CCAO.

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to approve and execute Resolution #23-161 to Order the Replacement of the Robinson Road Bridge (Structure #0076-01.880) in Chardon Township.

Commissioners' Journal
September 26, 2023

Further, this resolution sets a Bid Opening on Wednesday, November 1, 2023 at 2:00 p.m. Notice of this Bid Opening will be advertised on October 5, 2023, October 12, 2023 and on the county website.

Board of County Commissioners, Geauga County, Ohio

Date: September 26, 2023
Resolution: #23-160

RESOLUTION TO ORDER
THE REPLACEMENT OF THE ROBINSON ROAD BRIDGE
IN CHARDON TOWNSHIP

WHEREAS, the Geauga County Board of Commissioners has determined by Resolution 22 - 129 that the public convenience and welfare requires the reconstruction of the bridge over Big Creek on Robinson Road, TR-0076, at mile marker 01.880 and the grading, paving, widening, and draining of a portion of Robinson Road in the immediate vicinity of the bridge in accordance with Section 5555.06 of the Ohio Revised Code; and

WHEREAS, lands will be taken relative to the improvements; and

WHEREAS, the cost of such improvement will not be excessive in view of the public utility thereof and no special assessments shall be collected to fund this improvement; and

WHEREAS, the Geauga County Board of Commissioners, after reviewing the plans with the County Engineer in public session, is satisfied that the public convenience and welfare require that said improvement be made.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners in accordance with Section 5555.13 of the Ohio Revised Code hereby orders that such improvement proceed.

BE IT FURTHER RESOLVED that the Board of County Commissioners in accordance with Section 5555.022 of the Ohio Revised Code hereby approves the surveys, plans, profiles, cross sections, estimates, and specifications for such improvement, the costs of which shall be paid from local roadway improvement funds and federal grants that have been secured for the project in accordance with Section 5555.43 of the Ohio Revised Code.

BE IT FURTHER RESOLVED that the Clerk of the Board of County Commissioners is hereby ordered to let this project for bids in accordance with Section 5555.61 of the Revised Code. The bids shall be let upon a unit price basis. Bids shall be received until 1:45 PM on November 1, 2023. Bids received will be publicly opened and read aloud at 2:00 PM the same day.

BE IT FURTHER RESOLVED, that the Clerk of Geauga County Board of Commissioners is hereby instructed to transmit a certified copy of this resolution to the Chardon Township Board of Trustees and the Geauga County Engineer.

<i>Roll Call Vote:</i>	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>

COUNTY ENGINEER'S OFFICE – CHANGE ORDER #1, FINAL – DECREASE CONTRACT – RONYAK PAVING, INCORPORATED – ASPHALT RESURFACE CLAY STREET, SECTIONS C-D, HUNTSBURG TOWNSHIP

Mr. Hajjar asked the Board to approve Change Order #1, final which is a decrease to the contract with Ronyak Paving for the asphalt resurfacing of Clay Street, Sections C-D in the amount of \$12, 104.50.

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to approve and execute Change Order #1 and Final, decreasing the Contract with Ronyak Paving, Incorporated for the Asphalt Resurfacing of Clay Street (CH-0037, Sections C-D) in Huntsburg Township in the amount of \$12,104.50.

Commissioners' Journal
September 26, 2023

MAINTENANCE – AWARD BID – AIR FORCE ONE, INCORPORATED – HVAC
MAINTENANCE AND ON CALL SERVICES

Director Glen Vernick asked the Board award the bid to Air Force One, Incorporated to do preventative maintenance on the HVAC at the Safety Center, Post 2 and all Tower Sites.

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to award the Bid to Air Force One, Incorporated for the Geauga County Safety Center HVAC Maintenance and On-Call Services, including Post 2 and all Tower Sites for a period of three years, 2023 – 2026 in the amount of \$108,340.00 (23-24 \$35,520.00, 24-25 \$35,530.00 and 25-26 \$37,300.00) as they represented the lowest and best bid.

<i>Roll Call Vote:</i>	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>

MAINTENANCE – AWARD BID – US LAWN – CLEVELAND EAST – SNOWPLOWING,
SALT/CINDERING – CHARDON AREA

Mr. Vernick asked the Board to award the Bid to US Lawns for the Chardon Area Snowplowing. Mr. Vernick noted that two bids were received, and US Lawns was the lowest and best bid.

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to award the Bid to US Lawns – Cleveland East (Deandrade Landscape Designs) for the Snowplowing, Salt/Cindering – Chardon Area for the 2023 -2025 seasons in the amount of \$74,754.75 for the two-year period (\$36,825.00 for 2023-2024 and \$37,929.75 for 2024-2025) as they represented the lowest and best bid.

<i>Roll Call Vote:</i>	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>

DEPARTMENT OF WATER RESOURCES –SERVICE CONTRACT AGREEMENT –
ADVANCED DEWATERING, LLC

Sanitary Engineer / Interim Director Nicholas Gorris asked the Board to execute the service Contract with Advanced Dewatering to do repairs on the belt filter press at McFarland.

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to approve and execute the service Contract Agreement with Advanced Dewatering, LLC to perform Repair of the McFarland Wastewater Treatment Plant 1.7 Meter Ashbrook Belt Filter Press for a one-year period, effective September 26, 2023, in an amount not to exceed \$41,500.00.

<i>Roll Call Vote:</i>	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>

DEPARTMENT OF WATER RESOURCES – RESOLUTION APPROVING AMERICAN
RESCUE PLAN ACT OF 2021 BERKSHIRE HEIGHTS SEWER CONNECTION –
REIMBURSEMENT TO DEPARTMENT – EXPENDITURES FOR SERVICES AT CERTAIN
PROPERTIES

Mr. Gorris asked the Board to approve the resolution allowing the use of ARPA funds for reimbursements of expenditures at certain properties at the Berkshire Heights subdivision. Mr. Gorris noted that two of the three expenditures were covered under previous ARPA resolutions, including the lowering of the lateral in the roadway, a grinder pump was purchased by the department and the final are for pavement restoration of those driveways that had to be cut to do the lowering of the laterals. Commissioner Lennon inquired about the status of the connections, to which Mr. Gorris stated that to date 110 of the 113 are connected, 1 is being done and the final 2 will be hopefully done by the end of October. Mr. Gorris stated that he was submitting a response to the EPA for the termination of the Directors Findings and Orders to close it out.

Commissioners' Journal
September 26, 2023

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to approve and execute Resolution #23-162 Approving American Rescue Plan Act of 2021 Berkshire Heights Sewer Connection – Reimbursement to Department for Expenditures for Services at Certain Properties.

Board of County Commissioners, Geauga County, Ohio

Date: September 26, 2023

Resolution: #23-162

RESOLUTION APPROVING AMERICAN RESCUE PLAN ACT OF 2021 BERKSHIRE HEIGHTS SEWER CONNECTION – REIMBURSEMENT TO DEPARTMENT FOR EXPENDITURES FOR SERVICES AT CERTAIN PROPERTIES

WHEREAS, The President of the United States signed into law the American Rescue Plan Act of 2021 (ARPA) on March 11, 2021; and

WHEREAS, ARPA provides money to States, Counties and Municipalities to address the continuing impact of COVID-19 on the economy, public health, state and local governments, individuals and businesses; and

WHEREAS, the County has received a distribution of monies from the ARPA; and

WHEREAS, Title VI section 603(c)(1)(D) of the Federal Register provides for ARPA funds to make necessary investments in water, sewer or broadband infrastructure; and

WHEREAS, the Board of Commissioners through the Department of Water Resources has constructed a public sanitary sewer and wastewater treatment plant in Chardon Township; and

WHEREAS, the Board of Commissioners approved the use of ARPA funds to pay for sewer service connections within the Berkshire Heights subdivision in an amount up to \$8,000.00 per connection on (June 28, 2022 in Resolution #22-121- rescinded) revised and replaced on August 23, 2022 in Resolution #22-156; and

WHEREAS, the connections have required additional construction at no fault of the property owner increasing the cost of constructing the service line above the \$8,000.00 maximum previously set; and

WHEREAS, the Board of Commissioners approved the use of additional ARPA funds on May 9, 2023 in Resolution #23-062 for Parcel #06-023910 for additional construction related to the service line connection in the amount of \$5,000.00; and

WHEREAS, the Board of Commissioners approved the use of additional ARPA funds on August 8, 2023 in Resolution #23-144 for Parcel #06-101900 for additional construction related to the service line connection in the amount of \$15,000.00.

WHEREAS, several roadways within the Berkshire Heights subdivision required repairs and restoration due to the additional construction related to the service line connections previously approved in Resolutions #22-178, #22-198, #23-062, #23-107, #23-118 and #23-144 at a total of 12 locations; and

WHEREAS, the Board of Commissioners wishes to not require these property owners an added expense; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approve, through the use of ARPA funds, to reimburse the Department of Water Resources for expenditures that were covered by the department in connection with these services in the amount of \$3,600.00 for the lowering of the lateral connection at Parcel #06-023910, \$7,020.00 to provide the necessary grinder pump for the lateral connection at Parcel #06-10900 and \$10,000.00 for the pavement restoration related to the service laterals that were lowered at multiple locations (12) in the total amount of \$20,620.00.

BE IT FURTHER RESOLVED, that this Resolution becomes part of the permanent record of the Board of Commissioners of Geauga County, Ohio.

Commissioners' Journal
September 26, 2023

Roll Call Vote: *Commissioner Lennon* *Aye*
 Commissioner Dvorak *Aye*
 Commissioner Spidalieri *Aye*

DEPARTMENT OF WATER RESOURCES – CONTRACT – QUASAR ENERGY GROUP – SLUDGE, BIOSOLIDS AND FILTER BED SAND DISPOSAL

Mr. Gorris asked the Board to award the Bid to Quasar Energy for the sludge, biosolid and filter bed sand disposal, they currently do the removal and this was a publicly opened bid and they were the only bid received.

Motion: *by Commissioner Lennon, seconded by Commissioner Dvorak to approve and execute the Contract with Quasar Energy Group for Sludge, Biosolids and Filter Bed Sand Disposal for a three-year period in the amount of \$409,318.00.*

Roll Call Vote: *Commissioner Lennon* *Aye*
 Commissioner Dvorak *Aye*
 Commissioner Spidalieri *Aye*

COMMISSIONERS' OFFICE – APPROVE 2024 CEBCO/ANTHEM HEALTHCARE COUNTY AND EMPLOYEE CONTRIBUTION RATES

Human Resources Specialist Kelly Bidlack stated that the Board was aware that the County saw an increase in healthcare costs this year and am asking the Board to accept and approve the contribution rates for employees effective January 1, 2024. Commissioner Lennon asked about the costs being split 90/10, to which Mr. Morgan stated that is historically what they have done and the new rates stay within that cost.

Motion: *by Commissioner Lennon, seconded by Commissioner Dvorak to accept and approve the 2024 Geauga County CEBCO/Anthem Healthcare County and Employee Contribution Rates to be effective January 1, 2024.*

Roll Call Vote: *Commissioner Lennon* *Aye*
 Commissioner Dvorak *Aye*
 Commissioner Spidalieri *Aye*

COMMISSIONERS' OFFICE – APPROVE 2024 EMPLOYEE HEALTHCARE WAIVER RATES

Ms. Bidlack asked the Board to approve the waiver rate for employees for 2024, and that these are remaining at the same rate they have been for the last several years. Employees that waive / coverage will be paid out the amount at the end of the year and is prorated for new employees based on when they start.

Motion: *by Commissioner Lennon, seconded by Commissioner Dvorak to accept and approve the 2024 Geauga County Employee Healthcare Waiver Rates to be effective January 1, 2024.*

Roll Call Vote: *Commissioner Lennon* *Aye*
 Commissioner Dvorak *Aye*
 Commissioner Spidalieri *Aye*

COMMISSIONERS' OFFICE – EXECUTIVE SESSION

Motion: *by Commissioner Lennon, seconded by Commissioner Dvorak to move into Executive Session for the purpose of discussing the discipline of a public employee at the Department on Aging.*

Roll Call Vote: *Commissioner Lennon* *Aye*
 Commissioner Dvorak *Aye*
 Commissioner Spidalieri *Aye*

The Board moved into Executive Session at 9:53 a.m. with Mr. Morgan, Hearing Officer Craig Swenson and Human Resources Administrator Kathy Hostutler. The Board returned at 10:36 a.m. and as a result the following action was taken:

Motion: *by Commissioner Lennon, seconded by Commissioner Dvorak to accept the disciplinary recommendation of the Hearing Officer, Craig Swenson, for a three-*

Commissioners' Journal
September 26, 2023

day suspension for Kathleen Petrella, Assistant Director, Department on Aging for violating Section 3. Conduct of the Geauga County Personnel Policy and Procedure Manual, 3.2-3 Unsatisfactory Job Performance, 3.2-4 Non-completion of Assigned duties, 3.2-10 and R.C. 124.34 Neglect of Duty and 3.3-14 Poor, ineffective and / or professional management or supervision and to further approve and execute the Order of Removal, Reduction, Suspension, Involuntary Disability Separation form per O.R.C. 124.34 for a three-day suspension, without pay effective dates at the discretion of the Department on Aging Director.

Roll Call Vote:

<i>Commissioner Lennon</i>	<i>Aye</i>
<i>Commissioner Dvorak</i>	<i>Aye</i>
<i>Commissioner Spidalieri</i>	<i>Aye</i>

COMMISSIONERS' OFFICE – EXECUTIVE SESSION

Motion: *by Commissioner Lennon, seconded by Commissioner Dvorak to move into Executive Session for the purpose of considering the purchase of property for public purposes and the sale of property at competitive bidding, pursuant to O.R.C. 121.22 (G)(2).*

Roll Call Vote:

<i>Commissioner Lennon</i>	<i>Aye</i>
<i>Commissioner Dvorak</i>	<i>Aye</i>
<i>Commissioner Spidalieri</i>	<i>Aye</i>

The Board moved into Executive Session at 10:39 a.m. with Mr. Morgan and Assistant County Administrator Linda Burhenne. The Board returned at 11:16 a.m. and as a result the following action was taken:

Motion: *by Commissioner Lennon, seconded by Commissioner Dvorak to authorize the County Administrator to execute contracts for appraisals.*

Roll Call Vote:

<i>Commissioner Lennon</i>	<i>Aye</i>
<i>Commissioner Dvorak</i>	<i>Aye</i>
<i>Commissioner Spidalieri</i>	<i>Aye</i>

COMMISSIONERS' OFFICE – RESOLUTION CONFERRING THE DUTY TO REQUEST AND OBTAIN OPINIONS OR INSTRUCTIONS FROM PROSECUTOR'S OFFICE ON BEHALF OF ALL EMPLOYEES IN THE COMMISSIONER'S OFFICE UPON THE COUNTY ADMINISTRATOR

Mr. Morgan stated that the Prosecutor notified this office via phone and email that any requests from this office for legal advice, opinions or contracts would require a motion by the Board to make that request of that office. Mr. Morgan stated that after conferring with our outside counsel, Ms. Imbrogno we came up with a resolution that would authorize the County Administrator to make requests of the Prosecutor's Office that would need review, or contracts on behalf of the Board instead of waiting until the next Board meeting to make the request, then submit them, with his thirty days for contract review we often need to get things to them as soon as possible with the length of the process on contracts. Mr. Lennon asked for the resolution to be read. Mr. Morgan read the following resolution:

Board of County Commissioners, Geauga County, Ohio

Resolution: #23-163
Date: September 26, 2023

RESOLUTION CONFERRING THE DUTY TO REQUEST AND OBTAIN OPINIONS OR INSTRUCTIONS FROM THE PROSECUTING ATTORNEY'S OFFICE ON BEHALF OF ALL EMPLOYEES IN THE COMMISSIONER'S OFFICE UPON THE COUNTY ADMINISTRATOR

WHEREAS, The Prosecutor through a phone conversation with Assistant County Administrator Linda Burhenne has notified the Commissioners' Office that he will not be providing legal services to the Commissioners' Office and Departments under the Commissioners' hiring authority unless such services are requested in writing and through the Board of County Commissioners' action or directly from the Director of the Department; and

Commissioners' Journal
September 26, 2023

WHEREAS, Ohio Revised Code Section 309.09 (Legal Advisor – Additional Legal Counsel) section(A) states “The prosecuting attorney shall be the legal advisor of the board of county commissioners, board of elections, all other county officers and boards, and all tax-supported public libraries, and any of them may require written opinions or instructions from the prosecuting attorney in matters connected with their official duties.”; and

WHEREAS, a majority of matters that the Commissioners' Office handles are urgent and require quick action by all parties involved including contractual, personnel, public meeting and records matters, lawsuits, and timeframes set by other governmental entities; and

WHEREAS, it would be impractical for the Commissioners to vote to adopt an official action requesting opinions or instructions from the Prosecutor each time such urgent matter arises; and

WHEREAS, the Commissioners have appointed a County Administrator as the administrative head of the county under the direction and supervision of the Commissioners, in accordance with Ohio Revised Code Section 305.29; and,

WHEREAS, Ohio Revised Code Section 305.30 requires the County Administrator to assist in the administration, enforcement, and execution of the policies and resolutions of the Commissioners, and vests the Commissioners with the authority to require the County Administrator to perform such duties as the Commissioners determine by resolution

THEREFORE, BE IT RESOLVED that any request from the County Administrator shall be considered as being a direct request from the Board of County Commissioners (BOCC) as ultimately the BOCC will take action as a result of the legal review determining the requested action or contract is legally valid.

BE IT FURTHER RESOLVED, that the Board of County Commissioners as statutory client of the Prosecutor asks the Prosecutor to address any and all requests from the Commissioners' staff with due haste to permit the work of the County to proceed in a timely fashion as the Citizens of Geauga expect and deserve.

BE IT FURTHER RESOLVED, that this Resolution become part of the permanent record of the Board of Commissioners of Geauga County, Ohio.

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to approve and execute Resolution #23-163 Conferring the Duty to Request and Obtain Opinions or Instructions from the Prosecuting Attorney's Office on Behalf of All Employees in the Commissioner's Office Upon the County Administrator.

<i>Roll Call Vote:</i>	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>

Mr. Dvorak asked that the Board be made aware of all requests being submitted to their office.

Mr. Morgan also added that he is looking into inside counsel for the Board and a job description for that position.

ACKNOWLEDGEMENTS

- a) *A weekly report filed by the County Dog Warden of all dogs seized, impounded, redeemed or destroyed for the weeks ending September 6, 2023 and September 13, 2023 as required by O.R.C. 955.12.*

OTHER

The Board reviewed upcoming events. Clerk Christine Blair asked about the fair board dinner to which Mr. Dvorak stated he would be attending.

MEETINGS

Tue., 9/26 Budget Hearings, 12:00 p.m. – 4:30 p.m.

Wed., 9/27 ADP Special Meeting, 10:00 a.m., Auditor's Appraisal Conference Room

Commissioners' Journal
September 26, 2023

Thu., 9/28 Budget Hearings, 8:15 a.m. – 4:30 p.m.

Tue., 10/3 Budget Hearing – Treasurer 8:45 a.m.

Tue., 10/3 Investment Advisory Committee, 9:15 a.m.

Tue., 10/3 The Commissioners will hold regular session at 9:30 a.m.

Tue., 10/3 Budget Hearings, 12:00 p.m. – 4:30 p.m.

Thu., 10/5 Airport Authority Board meeting, 6:00 p.m., Building 3, Middlefield

*Mon., 10/9 County offices will be closed for general business due to Columbus Day.
Twenty-four hour operations will continue to operate as usual.*

Thu., 10/12 Planning Commission, 7:30 a.m. 12611 Ravenwood Drive, Room B333-334

Thu., 10/12 The Commissioners will hold regular session at 9:30 a.m.

OTHER

Local resident, Diane Jones asked for a clarification on the sections of the code mentioned in the resolution, to which Ms. Blair stated that once the Board was done executing the resolution she could be provided with them.

BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to adjourn the meeting at 11:24 a.m.

Geauga County Board of Commissioners

Ralph Spidalieri

James W. Dvorak

Timothy C. Lennon

Christine Blair, Commissioners' Clerk

Commissioners' Journal
September 26, 2023

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