

Portage County Board of Commissioners
Meeting Minutes

449 South Meridian Street
Ravenna, OH 44266
<http://www.co.portage.oh.us>

Sara Hoag, Acting Clerk
330-297-3600

Thursday, May 19, 2022

9:00 AM

Commissioners' Board Room

The following meeting minutes are summarized. Audio recordings and backup material are available in accordance with the Commissioners' Agenda and Audio Recording Retention Schedule.
Please contact the Commissioners' Office for specific details.

The Portage County Board of Commissioners' meeting came to order in the Commissioners' Boardroom located at 449 South Meridian Street, Ravenna, Ohio, with the following members present:

Attendee Name	Title	Status
Sabrina Christian-Bennett	President	Present
Anthony J. Badalamenti	Vice President	Present
Vicki A. Kline	Board Member	Present

Also attending throughout the day were County Administrator Michelle Crombie, Mike Tinlin, Frank Voss, and IT Director Lloyd Alger

1. The Board of Commissioners approved the May 10, 2022, special meeting minutes.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

WATER RESOURCES

Present: Director Dan Blakely

Commissioner Kline noted the draft Resolution reflects the Board rescinding Resolution No. **22**-0653, but it should read Resolution No. **21**-0653, and the draft resolution will be changed to reflect the correction.

Mr. Blakely explained the OPWC awarded a grant for the restoration of the Village of Mantua's reservoir and when the County assumed water service for the Village, it needed to amend the agreement. This resolution authorizes the changes.

Resolutions:

1. Rescind Resolution No. 21-0653 and Assume the Grant and Loan Agreement between The Ohio Public Works Commission and the Village of Mantua for the reservoir Rehabilitation Improvement Project (Portage County Water Resources Project MW-0 21-100). /Resolution No. 22-0308

COUNTY ENGINEER

Present: Larry Jenkins, Jr.

Mr. Jenkins presents 3 resolutions:

Resolution No. 1 is a contract with the Health Department for the Storm Water District.

Resolution No. 2 is to set the time and place for the Township Dinner as required by the Ohio Revised Code.

Resolution No. 3 is to allow the County Engineer to enter into negotiations with MS Consultants for construction administration for the Hankee Road Culvert Replacement Project.

Resolutions:

1. The Board of Commissioners authorizes the execution of an Agreement between Portage County Board of Commissioners & the Portage County Combined General Health District for the purpose of cooperation and coordination as it related to the execution of responsibilities of the Portage County Storm Water District. /Resolution No. 22-0309
2. The Board of Commissioners authorizes the set time and place for Annual Township dinner as according to Ohio Revised Code 5543.06. /Resolution No. 22-0310
3. The Board of Commissioners authorize the Portage County Engineer to enter into negotiations with MS Consultants, Inc. for providing professional services for construction administration for the Hankee Road Culvert Replacement Project. /Resolution No. 22-0311

OFFICE OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

Present: Director Ryan Shackelford and Deputy Director Brett Lee.

Discussion:

1. Broadbands RFP's Findings

Back in June, we started investigating the lack of what's called MARCs coverage, which is the statewide radio system. We were basically trying to prove what we thought - that we have a lack of coverage in Portage County and MARCs infrastructure.

Right around September, findings were presented to the Board, the Ohio rural broadband grant initiative was discovered (with a deadline date of October 14th), and ARPA funding became available. We were trying to find creative ways to fund the infrastructure, roughly around three towers, and the concept of fixed wireless. So, if we can do this as a dual-purpose effort, we can build fixed wireless towers to provide internet to the community and also put radio infrastructure on the towers to kill two birds with one stone.

To find answers, we needed to know if we had an internet issue in Portage County, so we conducted outreach through several partners, and we ended up contracting with a company called Flat Wireless. The study was primarily focused on the fixed wireless concept, to see where unserved and

underserved communities were in Portage County. The study was completed right before the deadline of October 14th. The Ohio Broadband Grant requires a private sector to make the application, but we felt the County should do a competitive process to identify a manner to apply on our behalf. Since the private sector knows the information, essentially, they could take advantage of us because we don't specialize in broadband, but over the last seven months, we've closed that gap and made ourselves very knowledgeable in the area of broadband.

So, once we received all the information, we eventually released the Request for Proposals (RFPs) for the fiber/cable side and the fixed wireless.

Findings:

There are 4 main reasons why we do not have internet in Portage County:

- (1) Access - the whole purpose of this project focused on access, and we do not have a provider.
- (2) Providers are available, but they are not robust and capable, and citizens could be limited to download speeds.
- (3) We cannot afford the providers we have.
- (4) We have all the internet in the world, but we don't think it's valuable, and we don't want to do it.

The whole purpose of today's meeting, especially as it relates to the ARPA grants, is accessibility. Where do we have unserved, underserved communities, where do we need vendors and trying to leverage vendors to provide internet to those communities.

Internet service providers in the county include everything from fiber to cable to DSL to satellite to fixed wireless. Most of the fiber is based in the cities, but other than that, some of the information is proprietary.

The RFP Process:

We retrieved three examples from three different counties (Greene County, Coshocton County and an Eastgate study out of Trumbull, Ashtabula and Mahoning Counties) and took the fixed wireless study that we did from Flat Wireless and synthesized the information to develop an RFP based on observations. At one time, we had over 24 separate vendors showing interest, but we ended up having three submittals on the fixed wireless side and three submittals on the fiber side. Once the RFPs were received, a committee was organized to review and score the RFPs based on the information that was requested in the RFP.

Ohio Broadband Grant:

Portage County did not receive an award from the Ohio Broadband Grant because Portage is not considered 'distressed'. There were \$232 million dollars in total award funding and would have reach 100,000 households.

Request for Proposal:

We received several different responses to the RFP, but we also received additional information we really didn't consider.

From the fixed wireless side, we had everything from a county wide perspective down to micro-focused. Public Utility was common in both. There was an option to establish a public utility and that

was discussed as a viable option, but it would take more research and organization. End user agreements were kind of different - there were individuals that had end user agreements that were intrusive by putting equipment on someone's house for the study, and there was a lot more leverage the individual citizen would have to do to get the service. There was a discrepancy in cost assumptions and ambiguity on both sides.

On the fiber cable side, we had a response that focused more on public utility and wanted us to do more planning to establish a public utility.

Aerial, Microwave and Ground:

There is an assumption that fiber needs to go in the ground only, but that's not the case. There's other aerial fiber that can be strung from the towers, which is a little less intrusive, and then there's microwave, which is literally signal to signal. Microwave is probably going to be used, especially on the fixed wireless side.

A majority of Portage County and the places we're focused on are federally funded and those are called Rural Digital Opportunity Fund (RDOF), so funding is already being planned to come into Portage County.

RFP Responses:

There were 3 vendors on each side and for the RFP requirements - one on each side as drafted, exceeded FCC minimum requirements at 25 and 3, which I think that definition is now starting to change to 100 and 100. We had 2 on the fixed wireless side, all three on the cable fiber side, of course.

Project cost and rate structure: Did they provide how much total project costs was going to cost as well as the rate structure for the individual citizen - we can do all the projects we want but if the people can't afford it, we really don't get anything out of it. One on each side provided a project cost and a rate structure.

Project Management:

All three on both sides had excellent project management experience to carry out and then explicitly note the unserved and underserved communities, only one on each side, so that's the focus of the ARPA funds, as well as some other funding, because we need to close these areas specifically. We tried to close some of the anecdotal observations, and we said please respond if you think there's other locations in Portage County that have issues outside the FCC maps, and one on each side did that.

Publicness:

These are private vendors that typically use their own capital funds to build their agencies or programs and now they are receiving tax dollars, so the attitude needs to change slightly to show a little bit of publicness. We did have two vendors on each side that showed a willingness to do townhalls, engage with the public, and engage with us to make sure that we're providing a good service that the public wants and deserves.

Backhaul/Middle Mile/Last Mile:

Backhaul is considered the main infrastructure, the middle mile is considered the off ramps and a lot of times you'll see the middle mile infrastructure going down State Highway 43, 44 to 224, Route 5 and the last mile is where you start getting out to individual Township streets, County streets, maybe State streets and individual homes.

A limitation could be if you only have a middle mile (off ramp) in Rootstown and the next one is in Edinburg, the houses in between typically can't be served. So, you see they can only make those offramps. Now, there's a little different technology that allows you to put more off ramps in. I think the overall goal of this project is the last mile to citizens.

Vendors:

Ohio Transparent Telecom (Ohio TT)

The first vendor interviewed on the fixed wireless side was called Ohio Transparent Telecom, or Ohio TT and they're based out of Zanesville, Ohio. The company is one year old but does note it has 60 years of combined experience and this was the main company just awarded to Coshocton County for their full project.

The concept is fixed wireless, but they don't like that term, so we went in with the assumption that the closer you are to the tower, the more strengthened signal you will have. Actually, that's not the case with what's called Massive MIMO LTE technology, which is a 5G quality signal, and it's throughout the area served. So, they have an individual tower with 100 megabytes, it's through the entire signal until it's gone and it's not 100, 50, 25, gone it's 100 and then it gone, it just drops off like a waterfall. They note speeds more than 400 megabytes per second, but also would reliably meet 120, throughout that signal (100 downloads, one upload). They have fast appointments to needed areas, and you could have internet operational and in a location within 90 days. So, they can literally put this equipment on anything like a water tower or the top of a town hall and we can provide internet to especially some of our more underserved communities, within 90 days. They did show a lot of publicness. The individual acts as the executive of the agency comes from a public background, along with a lot of transparency with their dashboard and other services for the citizen.

Pricing options for the citizens, are \$29 per month, for 25 mbps, \$49 per month for 50 mbps and \$79 per month for 100 mbps. There is financial assistance available for everybody now, providing they meet the criteria, especially school aged children, and there's other assistance available to ensure you get internet service to the house through most vendors, which is a federal requirement.

The Backhaul network is continually monitored in Columbus and unresolved issues will be responded to in 1 day more than 10 outages in a 4 hour response time. They do provide service level agreements with other contractors and show a window open from 8:00 AM – 8:00 PM for general inquiries and will respond to most outages. They don't expect to have a lot of disruptions at the individual household level. There are 10 co-located sites, so they want to tap onto wireless cell phone towers and existing towers or vertical infrastructure within the County. They also proposed 13 new sites and 69 5G massive MIMO units all together to serve the entire County. All the towers range from 180 feet tall to over 300 feet tall and the target completion of the project is quarter 3 of 2023, if

we awarded them when this RFP was submitted so you probably want to push that back into quarter 4 of 2023.

The total cost of the project is \$7,450,000 and the cost of steel continues to rise to build vertical infrastructure.

Fiber Side:

Charter Communications, Spectrum was interviewed, and they noted having a Streetsboro office and a total 7,200 local employees. They mentioned they have the middle mile and it does exist in Portage County.

Spectrum proposes a fiber to the premises in what's called Ethernet Passive Optical Network or EPON and it will make a difference when we talk about offramps. The biggest advantage is that we sent fiber to the premises. Sometimes you're FTTP, which means fiber to the pole - goes directly to the pole in the street, and it's something different to your house. This is fiber directly to your house.

So, when we talked about different projects, we always said fiber was the Cadillac and to get that to the house would be a fantastic option. This is Spectrum Internet gig service, so it would be up to 1,000 megabytes per second download, 500 megabytes per second upload.

Spectrum Internet Assistance for eligible customers is \$17.99 and that's 30/4 download/upload rate. Spectrum Internet, which is their normal customer-based service is 200/10 download/upload rate at \$74.99. I would say that our committee members didn't leave any stone unturned. We did voice a little bit of frustration because that screams profit and there could be a 110 in there for \$39.99, so they went back to the drawing board and responded back to that. So, this was the first submittal and that was the price.

FTTP/EPON Network

Anything comes out of the central office on the fixed wireless side is from Columbus, but I'm not sure where the central office is for Spectrum, and then it comes through a distribution hub, that is the middle mile and they can break it out into splitters that eventually go to individual homes. So, per splitter, it serves up to 54 homes with more flexibility.

The hub locations are Kent, Mantua, Atwater, and Windham and those are where your middle mile is located. Some of this is proprietary mapping and we did ask for approval to use it, and it was provided.

Spectrum responded to us indicating they were already awarded the Rural Digital Opportunity Fund for numerous locations in Portage County and the timeframe is 2026 as they have until 2026 to do projects based on Federal grant dollars.

We also asked that they identify other locations and Spectrum identified 1,626 locations of which 1,300 were already Rural Digital Opportunity Funded (RDOF), and a six year build out. Based on this response, they are looking for us to offset or supplant Federal dollars, and they promise to complete the project by 2024. So that is just another option.

We had a discrepancy in the total unserved underserved areas, but Spectrum said they're willing to have boots on the ground and locate these addresses with us.

Cost:

If we offset the RDOF dollars and we close that project by 2024, they want approximately \$5.2 million upfront to start the project and the total project cost is \$8 million dollars. There would be 189 miles of fiber serving about 1,600 people.

Windstream was also awarded Federal dollars for projects in Portage County, but neither vendor will go into each other's territory.

Spectrum went back to the drawing board because we asked for other options since we do not want to do the offset of the RDOF dollars, then we will do another project, and by the way, we also found other areas that we didn't originally find on a map. So, they revisited the mapping and consumer cost options, they did respond to us with some other available options for individuals that may qualify towards the low-income realm and scheduling needs to be determined.

They decided to close areas where we are no longer supplanting the RDOF sites and if you don't offset the RDOF and we close all those other homes (406 homes), 36 total miles, for \$1.9 million dollars. So, most of the unserved/underserved communities will be closed either by RDOF dollars and contribution of Portage County.

Spectrum's second response was unique because Charter stated they will contribute \$812,000 of their own capital money to do this project, of which now the total project costs is \$1.1 million dollars. So that closes the entire unserved/underserved communities' fiber to the premise for \$1.1 million dollars. The timeline still needs to be determined. Commissioner Badalamenti noted there's a timeframe for ARPA monies and Commissioner Christian-Bennett explained we must have the projects identified by 2024 and they need to be completed by 2026. Director Shackelford believes there's opportunity to close the gaps by 2024, at least when you go into negotiations with the vendor, maybe you encourage that as an option.

Options Available:

Based on the research and the responses to the RFPs, you can do a county-wide fixed wireless project and cover all the areas. Some of the benefits include technology, geography - you're serving a larger geographic area, and it breaks up the monopoly that exists in Portage County.

The second option is to do the Spectrum RDOF advancement by funding, the RDOF advancement, they return monies back to the Federal government, and we expedite the timeframe. The advantages include fiber to the premises (the Cadillac), but we expedite the timeframe to 2024. Or, we could do the Spectrum Non-RDOF Project, which is fiber to the premises, and closes more gaps, but it's a little prolonged and we're going to go 2024, if not longer. By having Federal money already coming into Portage County to close the gaps, it's hard to deny already funded areas. You can also have a mixed use, you can do some fixed wireless, and you can continue to close the gaps with the fiber to the premises for Spectrum. That will increase timeframe and we can get internet up and running within

90 days, and you're covering a large geographic swatch, and we close gaps where other vendors won't.

Based on all the responses, these are the four options available to you.

We would like to close the gaps by having boots on the ground by myself and/or with vendors. There's a residential broadband survey that we could send out to local officials because they know their communities better than we do. Even doing boots on the ground, there's a chance to miss somebody and there shouldn't be a house in Portage County that doesn't have internet, unless you absolutely miss them, or they did not respond.

Commissioner Christian-Bennett asked when you say boots on the ground, you're talking about getting the vendors as well as yourself to go out? Maybe we should hire canvassers? Director Shackelford responded physically going out to find these addresses through the survey. Once the surveys start to be returned, we take the addresses to Spectrum and they go over the maps and confirm they don't have internet. Spectrum is willing to go on the ground to find these addresses. It could be a heavy lift, but I think you can move forward with the project and then simultaneously, we're doing some of that information and continue to provide the Board with updates.

Where Do We Go From Here:

- The Board may want to schedule potential vendors to present if it wants to hear specifically from them. If the Board has questions, they can also be forward to the vendors directly.
- The County may want to host several Townhall meetings to explain the project and what's going on.
- Close antidotal observations through the survey simultaneously and then hopefully implement identified projects.

Commissioner Badalamenti mentioned at the Township Association meetings, we have all the Trustees in one place and Director Shackelford could do the same presentation to everyone at the same time and they can provide immediate feedback. Commissioner Christian-Bennett noted presentations are already scheduled for the Association meetings, but not everyone attends to township meetings.

Director Shackelford noted a lot of the Township may not know what to do with ARPA funding and they may be willing to contribute.

Commissioner Christian-Bennett noted Allison Diehl has been very helpful with the ARPA process.

County Administrator Crombie will reach out to the Township Association to see when Director Shackelford could present and she will let the entire Committee know. Commissioner Christian-Bennett suggests contacting Lori Calcei, who is the Secretary or Vince Coia, who is the President.

Commissioner Badalamenti asked about the towers for MARCs and how they tie into the project and Director Shackelford stated they don't. If you do one project over the other, there's opportunity for

dual purpose. So, depending on what direction the Board decides to go, I'm going to keep going down that road in another way.

Commissioner Badalamenti asked if there's grant money available for the 3-5 towers we have and Director Shackelford responded grant money is not available and the price is continuing to go up. It was approximately \$500,000 to start off, and now it around \$675,000 and that was quoted for Wayne County and I'm sure it's gone up since then.

Commissioner Badalamenti asked if the Board was to move forward, instead of the \$8.2 million, it's about \$2 million, then we still have the ARPA money we could use for the MARCs towers and Director Shackelford noted you could still do a dual purpose, there are opportunities there, but it would have to obviously fit the grant requirements. Commissioner Christian-Bennett doesn't believe we can use ARPA money and Ms. Diehl explained the ARPA money it's primarily meant to be for the underserved community. Director Shackelford noted he's still working on the MARCs towers.

INTERNAL SERVICES

Discussion:

1. Ravenna Courthouse elevator

The main elevator and the jail elevator are both starting to fail, so they should be replaced. We've got it back in service, but we don't know how long it's going to continue to work. The Limited Use Limited Access (LULA) elevator is supposed to ship June 12th. The jail elevator is starting to fail and we're going to have a survey done next Friday the 27th.

2. Kent Muni Court – planters

Mr. Burbick used to donate the planters in the front of the Kent Courthouse, but he's since passed away. The Board agreed that Maintenance should fill the planters. Commissioner Christian-Bennett suggests providing planters outside of the Administration Building, too and Ms. Kautzman noted decorative grass is going in the areas where the boulders are located by the front doors.

3. WIC Lisbon

We didn't receive any bids for the WIC Lisbon building and when Director Townend researched the appraisal value through Columbiana County, it came back at \$468,800. The County has spent \$549,000 for the building/renovations and in 2016, it was appraised at \$350,000.

Commissioner Badalamenti asked the yearly cost to keep the building and Director Townend will need to investigate further, but Portage County's Maintenance crew goes down twice a year.

Health Commissioner Joe Diorio wanted to know if the Board would donate the Columbiana County WIC building to them and Commissioner Christian-Bennett responded she would not be in favor of donating the building because Portage County residents paid for it and we need to try to recoup some of the money back, even though we've recouped the initial investment.

Commissioner Christian-Bennett would be open to negotiations with the Health Department.

Commissioner Badalamenti also asked what advantages we are getting from having the Lisbon building because it doesn't sound like we get much and he agrees with Commissioner Christian-Bennett.

Director Townend will compile additional information and will bring it back for further discussion next week.

4. Department requests

Various departments have noticed improvements around the Administration building, so they are coming forward with their requests. Commissioner Christian-Bennett suggests Director Townend work with the Department of Budget and Financial Management to see what amount of funding is available. There are 5 departments requesting improvements, the Courthouse, Adult Probation, Board of Elections, Justice Center, and the Auditor.

5. AMCG's proposal

Director Townend noted that it appears AMCG has provided everything necessary in their quote and the total is \$81,250, plus any additional items. Commissioner Badalamenti would like to add under Optional Tasks Elements 1 and 2 (the Airport and the FBO) \$5,000, Element 3 (strategic plan) \$19,750.00, Expenses – Element 1 and 2 (direct expenses for the proposed scope of services and work plan site visits) \$1750, and Element 3 (expense allocation for site visits) \$3,750; Total \$111,500.00.

Director Townend asked if there's a separate fund for the Airport and Director Harris replied it would be taken out of the General Fund for now.

The Board agreed to move forward with the quote and a resolution will be presented next week for Board consideration.

Resolutions:

1. The Board of Commissioners agrees to enter into an agreement on behalf of the Portage County Job & Family Services and Family & Community Services, Inc. for Family Team Meeting Facilitative Services for Children Services. /Resolution No. 22-0312
2. The Board of Commissioners agrees to set the request for proposal date for Children Services for the Portage County Job & Family Services Department. /Resolution No. 22-0313
3. The Board of Commissioners agrees to increase inmate, visitor and staff meals prices at the Portage County Jail with Aramark Correctional Services, Inc. /Resolution No. 22-0314
 - Meal prices were bid back in 2021 and each year the price increases due to the Consumer Price Index.

COMMUNITY ACTION COUNCIL

Present: Director David Shea

Director Shea noted Community Action Council (CAC) has been around for 57 years, but we've morphed a lot and we're no longer what we were then. We are Portage County's designated anti-poverty agency.

One of the things we pride ourselves on is something called the Community Services Block Grant, which is where we get our money. We are the only nonprofit social service agency in the county. There's 1,000 of us around the country that receive funding from Congress. Everything is funneled through the State of Ohio through the Ohio Department of Development and they're in everything and govern everything we do. The key to it is local control. The Feds provide grant money to the state and the state allocates it to all the counties. Every year we do a needs assessment and are required by law to have at least 1/3 of our board being Elected Officials. The Commissioners have a representative on the board, but anyone can come to a meeting anytime you want. Additionally, at least 1/3 of our board members have to be representative of low-income people or organizations that serve low income people, and 1/3 can be anyone else, including private businesses.

Director Shea explained the issue of poverty morphs all the time. Barriers include a lot of mental health issues that contribute to senior citizens on fixed incomes. One of the problems in Portage County right now is lack of affordable housing. One other uniqueness for Portage County is the seventh highest cost of housing of any County in Ohio. Commissioner Christian-Bennett believes it due to our geographic location. Portage also has the second highest number of mobile homes of any County in Ohio.

Some of the programs through CAC are focus specifically to mobile homes, including home repair because no one else is there to help them.

CAC currently has about 50 employees and 26 programs and one of the larger programs is the Heat Program. The Heat Program provides utility assistance to lower income families. We also operate a home weatherization program, an emergency home repair program, the after school program, a summer food program, and our home relief program.

Typically, the summer food program is for low-income children ages 1 through 18. This year we have 13 open sites around the County. What that means is, they have to be in a designated low-income area and any child could come to any breakfast and lunch and it's free. We contracted with a company called Innovation Foods and CAC does everything else. Over the last two years under the pandemic, we had sites everywhere working closely with the Ravenna School District to ensure kids received food because there was no school. We did over 120,000 meals in the summertime. Last year we did 50 and this year we're projecting in the 40s. A lot of the sites are in Ravenna; we have two in Charleston two in Windham.

One of the problems CAC experiences is that some of the areas are not eligible under the guidelines because more than 50% of the people living there must be below the poverty level, which is sometimes determined by the schools. Based on school data, about 40% to 45% of the children in

Portage County are below poverty. That number is based on the Ohio Department of Education's information that's collected from every school in the county. Ravenna is virtually 100% child poverty now, they're categorically eligible, so is Windham and it happened over the last five years. We're partnering with the School District again this year for their summer program, and they're having their summer learning program at the high school.

Last year, CAC served over 13,000 families and that's the highest level of assistance I can remember. Over 9,000 families received some type of utility assistance and almost 1,200 children received meals just in the summer. Under the Consolidated Appropriations Act, which was passed by Congress right at the tail end of the Trump administration, they gave us a lot of money through the states for rent assistance and homeowner assistance, which we refer to as the Home Relief Program. The after-school program was closed down during the pandemic and over the past 16 months, we served 2,900 families with various steps of rent, mortgage and utility assistance. CAC received \$7.8 million dollars and once the eviction moratorium was lifted, it was crazy. There is an extensive process applicants must go through, it's not welfare, you must have delinquencies, disconnection notices and eviction notices. Most recipients were not low-income before the pandemic and must provide proof they were financially impacted by COVID.

Once we begin the community needs assessments, Director Shea would like the Board's involvement.

Commissioner Christian-Bennett wanted to thank Director Shea and his staff for doing a stellar job during the pandemic.

Recessed into the Public Hearing: 10:30 AM

TEFRA PUBLIC HEARING

(Tax Equity and Fiscal Responsibility Act) Bond Issuance Vista Veranda
Thursday, May 19, 2022, at 10:30 AM
Portage County Commissioners' Office
449 South Meridian Street
Ravenna, Ohio 44266

Present: Commissioner Christian-Bennett, Commissioner Badalamenti, Commissioner Kline, County Administrator Crombie, Acting Clerk Hoag, Mike Tinlin, Frank Voss, Jessica Zaiger, Polsinelli Law Firm

The Public Hearing was called to order at 10:30 AM by Commissioner Christian-Bennett.

I. PURPOSE OF THE PUBLIC HEARING – Commissioner Christian-Bennett

TEFRA is a federal law enacted in 1982 to increase revenue through a combination of spending cuts, tax increases, and tax reform measures.

The County is holding a public hearing today, and considering a resolution to provide approval for, a tax-exempt bond issuance transaction, a portion of the proceeds of which will be used to benefit the Vista Veranda assisted living and memory care facility in Ravenna, Ohio. The public hearing and approval (commonly referred to as a TEFRA hearing and approval) are being provided solely for federal income tax purposes in connection with the issuance of tax-exempt debt. The County is not being asked to issue any bonds, will not need to be a party to any bond documents, and there is no impact on the County's bank-qualified bond limits because it is not issuing the bonds. Jessica Zaiger, from the law firm of Polsinelli in Kansas City, is appearing via zoom on behalf of the borrower with respect to the tax-exempt bonds.

II. NOTICE OF PUBLICATION - Commissioner Christian-Bennett

The Legal Notice was posted on the County's Official Bulletin Boards and published in the Record-Courier newspaper on May 3, 2022, that a TEFRA Public Hearing for Vista Veranda would be held on Thursday, May 19, 2022, in the Board Room of the Board of County Commissioners of Portage County, Ohio, Portage County Administration Building, 7th Floor, 449 S. Meridian Street, Ravenna, Ohio at 10:30 AM.

III. SWEARING IN OF THOSE WHO ARE SPEAKING – Commissioner Christian-Bennett

Do you solemnly affirm under the penalties of the law of perjury of the State of Ohio that the testimony you are about to give shall be the truth, the whole truth and nothing but the truth?

Please respond: I do.

IV. BRIEF EXPLANATION OF THE PROJECT – Jessica Zaiger, Polsinelli Law Firm

Vista Veranda is part of a system of senior living communities around the country. Bonds issued back in 2018 need to be restructured by bonds issued this year. The maximum principal amount of those bonds is \$250 million dollars and is comprised of both taxable and tax-exempt bonds. One of the requirements to issue tax-exempt bonds is that we obtain approval from each local jurisdiction where each one of the finance facilities is located and to hold a public hearing. So, we are incredibly thankful for you guys taking time out of your busy schedule to hold this public hearing for us and to consider the Resolution.

Commissioner Christian-Bennett noted this action is necessary to restructure existing bonds and there's no additional need for capital, so it's basically a refinancing and Ms. Zaiger explained it's almost entirely restructuring and there's approximately \$14 million dollars of new money that is being employed across the system, a portion of which is through guaranteeing capital expenditures, there's no major project financing, just capital upgrades at each facility.

Commissioner Badalamenti asked if the whole conglomerate that is all over the country, is about \$215 million and Ms. Zaiger replied the most recent numbers show it's approximately \$220 million, but we always round up so we don't have to return to the Board.

VI. PUBLIC COMMENT - None

VII. ADJOURN

Motion by Commissioner Christian-Bennett to adjourn the TEFRA Public Hearing at 10:34 AM.
Seconded by Commissioner Kline. All in favor, Motion Carries.

Reconvened into the Commissioners' Regular Session: 10:34 AM

Resolution:

1. A resolution of the Board of County Commissioners of Portage County, Ohio, approving, solely for the purposes of Section 147(F) of the Internal Revenue Code of 1986, as amended, the issuance by the Colorado Health Facilities Authority of its Senior Living Revenue Bonds (American Eagle Portfolio Project), Series 2022, for the purpose of financing the senior living facilities, one of which is located in the County, and providing an effective date./Resolution No. 22-0317
 - Commissioner Christian-Bennett noted this action has no financial binding on the County and the County is not backing any of the bonds.

JOB & FAMILY SERVICES

Present: Director Kellijo Jeffries and Sue Brannon, Budget & Finance Administrator

Discussions:

1. JFS February / March 2022 Data Report

Commissioner Christian-Bennett asked if Director Jeffries will be sharing suggestions on job retention and Director Jeffries responded that she will be outreaching to the County Administrator and coming back with Christine Marshall to present the results of the survey on June 2nd.

On the first page, the only thing that I wanted to draw to your attention was there was an incorrect number on the March total net transportation calls received - there were not 376 calls received in March, it was actually 180.

I did not have any items that I thought would be interesting to you, as far as change or updates on page two, other than the call have increased. Change notices are going out relevant to benefit changes relevant to Medicaid and that is contributing to the increased call value.

On page three, in March, the unemployment rate in Portage County was at 3.9%. So, there are jobs.

On page four, I did not see any significant changes.

On page five in the Child and Adult Protective Services world, at the end of March, we had 205 children in custody and as of this Monday, there are 189. In the Adult Protective Services world, we did shift a second social worker because we're seeing more needs in that arena from Child Protective Services.

Commissioner Badalamenti asked what constitutes Adult Protective Services and Director Jeffries explained we share the same hotline for adult protective services and child protective services. So anytime we receive concerns of abuse, neglect, exploitation, and concerns of self-care, we assign an investigator to go out and assess the situation. If need be, we wraparound services and there

are times we have to engage the Probate Court because sometimes the elderly are not able to maintain self-care in their own home, but definitely connect seniors with services and we do a lot to try to get them to be safe and stable when they're not.

Exploitation continues to be an issue with our elderly, specifically financial exploitation, and we have an I-Team where we work with law enforcement and other community partners to ensure the safety of our elderly.

Page six, we're still hovering in the 170s with staff, despite our best efforts, but in June we're going to talk about creative options on how we want to recruit more staff into Job and Family Services.

2. May Foster Parent Appreciation Month

May is Foster Parent Appreciation Month and so we're finalizing a letter to send out. The state of Ohio is funding foster parent recruitment efforts and efforts to show appreciation to foster parents. So, the Early Childhood Resource Center has funded Job and Family Services to be able to provide Olive Garden gift cards and Akron zoo tickets to our foster parents, for them to take their family to the zoo, but also for the parents to be able to go out on an evening for dinner. We always want to show appreciation to our foster parents and we did a small video that we're going to post on our website, thanking our foster parents for all that they do.

3. Upcoming Health and Wellness Fair

We've done many years of health and wellness pre-COVID but we tied it back to school. We're still going to stay with the theme of back to school, but we also want to promote health and wellness for our adult populations and family.

Job and Family Services is partnering with Portage County Health District, NEOMED, Firm Foundation Ministry and University Hospitals, to host health and wellness. The Medicaid Managed Care Plans are partnering with us both in person and financially, at it will be held at NEOMED on July 21st. Health screenings will be available, along with some fitness, and cooking demonstrations. We will also have back-to-school supplies for children and families. It's a wonderful collaborative event.

4. Benefit Bridge Pilot Program

Job and Family Services has been invited to attend a benefit bridge pilot program with the state of Ohio and Director Jeffries is prepared to submit the draft. The state has made available approximately \$200,000 through June 30th and we believe it's going to be reoccurring funds to create this benefit bridge program in Portage County.

The team came together and we'd like to enroll and have it available to about 50 individuals or families that are transitioning off of public welfare to provide a safety net and wraparound for families transitioning so they can stay sustainable as they transition off.

We are allowed to build our own care team, but they require us to have a financial literacy component and we can be creative in other spaces. So, we are going to use our Ohio Means Jobs case managers, and all existing staff in Public Welfare, to create a new peer support specialist in Job and Family Services, funding through these dollars.

We'd also like to create Requests For Proposals (RFP) for services for a peer recovery coach and those are individuals that would work with people in recovery, to be able to help to support them as they move to work, but also deal with aspects of being in recovery, a financial literacy provider, and then mental health and substance abuse providers. We would like to work with our team and then interface with Director Townsend to come before the Board with requests for proposals. These positions and contracts would be funded with state dollars.

When the state approves our plan, the Board will receive a copy in final form. The bridge program would offer one month of rent or mortgage payment (if not covered under our PRC program), three months of gas cards at about \$200 each month (if not covered already under our PRC program), one month of child care payment if a family has minor children in their care, a one-time \$500 employment incentive, and then a \$500 work retention incentive at 60 days of the program.

Also, to provide that continuum of support over a 90-day period, the Peer Specialist that we've talked about bringing in-house would follow that family not only through the first 90 days but then 90 days thereafter.

Director Jeffries noted they announced yesterday at the conference that the state is going to pay for the co-pays of childcare for families at this time and that will also provide some relief for families.

5. Upcoming Tulip Town Event

We've been trying to get this off the ground for years, we bought a poverty simulation package through Community Action Council in Missouri four years ago and it was created to bring about awareness of those living in poverty. You get participants together for an hour experience, 15 minutes represents a week in the life of somebody living in poverty. The simulation allows the participants to experience all the challenges and nuances, which was developed for us to bring community leaders, legislators and people together to really understand the nuances. So, we'd like to invite 24 community members, and community leaders to experience this in the morning on August 9th and then in the afternoon we would provide lots of data, have some resource tables, and then just talk about continued partnerships and collaborations of Portage County to continue to work in the effort of reducing poverty and building self-sufficiency.

Commissioner Badalamenti asked why the poverty numbers have increased so drastically over the last five years and Director Jeffries responded company shutdowns and COVID definitely have something to do with it. While there are job opportunities, I don't think that the living wage, not just in Portage County, but around, is something that is sustaining people. One of the myths is that people are not wanting to work and that they're living on public welfare benefits. If you are an able body you have to participate in a work component or training component to get public welfare benefits, you can't just get on benefits without doing anything. When people transition into minimum wage jobs, 40 hours a week, once you take taxes out and you have these inflation costs with rents and utilities, it's not a lot for a family to sustain themselves. So, I think while the jobs are there, it's the living wage that still doesn't exist where it needs to be.

The bigger piece of the pie is how can we increase wages and get people to be successful and not have to continue to go to food banks to supplement their food when they're working 40 hours a week.

6. Upcoming Manager Training

Director Jeffries had a phenomenal experience with the leadership training and she would like to outreach to the trainer to see if she could work with her 35 managers. The Board fully supports Director Jeffries moving forward with the request.

Resolution:

1. Declare obsolete and authorize the donation of Portage Count Job and Family Services property to Portage County Offices. /Resolution No. 22-0315
2. Transfer from Fund 1414, Child Support Administration, to 1410 Public Assistance Fund. /Resolution No. 22-0316

10:53 AM In accordance with the Ohio Revised Code 121.22(G)(1), it was moved by Anthony J. Badalamenti, seconded by Vicki A. Kline that the Board of Commissioners moves into executive session to consider the compensation of a public employee. Also present: Director Kellijo Jeffries and County Administrator Michelle Crombie. Roll call vote: Anthony J. Badalamenti, Yea; Vicki A. Kline, Yea; Sabrina Christian-Bennett, Yea;

10:55 AM Upon conclusion of the above-referenced discussion, it was moved by Sabrina Christian-Bennett, seconded by Vicki A. Kline that the Board of Commissioners moves out of executive session. Roll call vote: Sabrina Christian-Bennett, Yea; Vicki A. Kline, Yea; Anthony J. Badalamenti, Yea;

After exiting the executive session, the Board took no action.

PROSECUTOR'S OFFICE

Present: Victor Vigluicci

We have an aggressive Sheriff and 15 other law enforcement agencies in this county that my office represents. As you've heard from the Sheriff and Judge Pittman, our caseloads are up significantly.

The statistics Judge Pittman shared are particularly telling and quite amazing when you see that we are the busiest county in the state when it comes to cases per Judge in the Common Pleas Court.

Judge Pittman shared with you a statistic from the Supreme Court that shows that our average caseload for a Common Pleas Court judge is 929 cases per year, nearly double the nearest county. As a part of that, we have just two judges and when you divide that up, as you heard from the Public Defender, the number of cases per attorney for the Public Defender, he shared with you 337 cases per attorney. My caseload is just a little bit higher than that 343 cases per attorney, remembering, however, that the prosecutor handles all the criminal cases and case preparation is much more involved than the Public Defender since we have the burden of proof and have to work diligently to

prepare our cases for trial, with the police departments and the witnesses and labs and everything else that comes into putting together a successful criminal prosecution. To ask any single lawyer to juggle 343 cases is beyond what we should be asking and they have come to me several times they've come to me and said, you know, boss, we're underwater here. We need help. We've tried our best to spread things around. The pandemic reduced caseload because the police departments were not in high gear, the grand jury was not in high gear, and the courts were postponing things rather than conducting jury trials. Now we're back on track and it has exacerbated the issue because we're trying to play catch up with a lot of those cases that were put off, and they are coming up for trial. We have 10 murder cases pending, and a number of other very serious cases pending - some of which are one and two years old, that are going to come up.

When I started the job as Prosecutor 28 years ago, the grand jury would bring in 8 to 10 people per week, here we are 20 years later and we're bringing in 40 per week and my staff has not changed significantly over the last decade as far as the number of prosecutors handling felony cases.

I am going to have to add staff and I know you are interested in what other Counties are doing, so I reached out to surrounding counties, and counties of our same size, and you'll see in the letter I gave you that their caseloads are about half of what we are, including Summit County, next door and I went to their busiest court to make sure they were at 178.

Commissioner Christian-Bennett noted you have always been one to stay within your budget, and even with budget cuts or grant funding cuts, you've always been very good about covering the loss of revenue with VAWA and VOCA, because it majorly impacts your operations. I had asked you for a breakdown, which I believe my other two colleagues and I shared with the Department of Budget and Financial Management on the anticipated cost to hire two more staff members. If both new hires received the family health care plan, we're looking at a cost of about \$239,909.74.

Commissioner Kline noted the request is something that needs to be a priority and Commissioner Christian-Bennett agreed, as well as Commissioner Badalamenti, to move forward with the request for 2 additional prosecutors.

Commissioner Badalamenti asked are you in need of additional support staff and Prosecutor Vigluicci noted I will do my best to make do with the staff I have. The numbers are there - we are doing 1,500 to 2,000 cases a year and it isn't going to change, it's going to go up. What we are doing is spreading the existing cases out amongst more people so they can effectively handle them. The investigator assigned to a court is still going to be very busy, it's the attorneys who are working the cases, preparing them for trial, who are underwater, so we're going to do our best to keep our other levels the same. I may come back to you in a year or two, but I'll wait and see.

Additionally, Prosecutor Vigluicci mentioned he received correspondence that indicated the VOCA Rescue Act finally passed at the Federal level, so it should begin to trickle down to the local level soon.

HUMAN RESOURCES

Present: Director Janet Kovick

Discussion:

1. Water Resources Personnel & Fiscal Specialist Position

Director Kovick explained this is a new position for a Personnel and Fiscal Specialists for the Water Resource Department. This is a non-bargaining position, and the position is really to help with administrative personnel and labor negotiations tasked by the Director and Office Manager.

Administrator Crombie noted the department is moving 2 of the current positions out from under the union to become non-union positions. The 2 positions will remain vacant within the union. The union is currently reviewing the job descriptions to ensure they agree they can be excluded from the union. Even if they don't agree, we can still file a petition with SERB and move forward with the process. The union wants to ensure they meet the definition of confidential employee according to Ohio Revised Code.

Administrator Crombie noted ideally, the current 2 employees would apply for the non-union position and the union positions can be dissolved. Both employees meet the criteria, and the jobs are very similar.

The Board agreed to move forward with the request for the position.

Journal Entries:

In accordance with Section 305.30 of the Ohio Revised Code and this Board's Resolution 21-0396, Part IX(I), the Board of Commissioners acknowledges and approves the County Administrator's approval to:

1. Accept the resignation of Jacob Workman, Engineering Technician III, with Portage County Water Resources, effective May 20, 2022.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

2. Authorize the seven-day internal posting of a bargaining position, Engineering Technician I, vacated by Jacob Workman, for Portage County Water Resources, with external posting if no internal appointment is made.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

3. Accept the resignation of Ian Oros, Engineering Technician I, with Portage County Water Resources, effective May 27, 2022.
Motion: Commissioner Badalamenti
Seconded: Commissioner Kline
 All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
 Commissioner Christian-Bennett, Yea;
Motion Carries
4. Authorize the seven-day internal posting of a bargaining position, Engineering Technician I, vacated by Ian Oros, for Portage County Water Resources, with external posting if no internal appointment is made.
Motion: Commissioner Badalamenti
Seconded: Commissioner Kline
 All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
 Commissioner Christian-Bennett, Yea;
Motion Carries
5. Rescind journal entry #3 on May 5, 2022, authorizing the hire of Ronald Frazier for the Collection System Laborer position in the Portage County Water Resources Department. Mr. Frazier declined the employment offer.
Motion: Commissioner Badalamenti
Seconded: Commissioner Kline
 All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
 Commissioner Christian-Bennett, Yea;
Motion Carries
6. Approve the refactoring of the Water Resources Design Engineer job description from pay grade 13 to pay grade 15. The refactoring is based on difficulties recruiting for the position and to increase the salary range to be more competitive.
Motion: Commissioner Badalamenti
Seconded: Commissioner Kline
 All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
 Commissioner Christian-Bennett, Yea;
Motion Carries
7. Approve the refactoring of the Water Resources Operations Manager job description from pay grade 17 to pay grade 18. The refactoring is based on difficulties recruiting for the position and to increase the salary range to be more competitive.
Motion: Commissioner Badalamenti
Seconded: Commissioner Kline
 All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
 Commissioner Christian-Bennett, Yea;
Motion Carries
8. Accept the resignation of Terri Wiard, JFS IT Specialist, with Portage County Job & Family Services, effective May 20, 2022.
Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

9. Authorize the internal/external posting of the non-bargaining position, JFS IT Specialist, vacated by Terri Wiard, with Portage County Job & Family Services. The vacancy will be posted internally and externally concurrently until filled.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

10. Accept the resignation of Alex Santiago, Clerical Specialist 4, with Portage County Job & Family Services, effective May 19, 2022.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

11. Authorize the three-day internal posting of a bargaining position, Clerical Specialist 4, vacated by Alex Santiago, for Portage County Job & Family Services, with external posting if no internal appointment is made.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

12. Authorize the termination of a probationary employee, Nikki Williams, with Portage County Job & Family Services effective May 13, 2022.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

13. Authorize the three-day internal posting of a bargaining position, Social Services Worker 3 – Group Home, vacated by Nikki Williams, for Portage County Job & Family Services, with external posting if no internal appointment is made.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

14. Authorize the transfer of Denise Williams, Eligibility Specialist, to Investigator 2, replacing Darla Hylton, in Portage County Job & Family Services, effective May 30, 2022.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

15. Authorize the three-day internal posting of a bargaining position, Eligibility Specialist, vacated by Denise Williams, for Portage County Job & Family Services, with external posting if no internal appointment is made.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

16. Authorize the promotion of John Vodila, JFS Training Specialist, to OMJ Supervisor, replacing Louise Feciuch, in Portage County Job & Family Services, effective May 30, 2022.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

17. Authorize the internal/external posting of the non-bargaining position, JFS Training Specialist, vacated by John Vodila, with Portage County Job & Family Services. The vacancy will be posted internally and externally concurrently until filled.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

18. Authorize the hire of Sierra Boggs, as a Social Services Worker 3 in Portage County Department of Job & Family Services, replacing Samantha Fields. Tentative start date is May 23, 2022. The Board of Commissioners agree that this hire is contingent upon the applicant passing the required pre-employment screenings.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

Resolutions:

1. The Board of Commissioners adopted the amended Portage County Board of Commissioners' personnel policy manual – Section 5 (Outside Employment) as presented by the Human Resources Department. /Resolution No. 22-0317

GRANTS ADMINISTRATOR

Present: Allison Diehl

Resolutions:

1. Authorize the application and accept the Ohio Department of Public Safety 2022-2023 Motorcycle Ohio Grant in the amount of \$60,579.60 on behalf of the Portage County Sheriff's Office. /Resolution No. 22-0318
2. Approve up to \$1,000,000 of the American Rescue Plan Act, State and Local Fiscal Recovery Funds to be utilized outside of Portage County Departments by Local Nonprofits. /Resolution No. 22-0319

The County will now begin accepting applications and the deadline is August 19th at 5:00 PM. If businesses do not qualify, they can always come before the Board and request funding through other means such as Neighborhood Development Services.

PLEASE ADD TO YOUR AGENDA

May 19, 2022

3. Direct a portion of the County's Coronavirus Local Fiscal Recovery Fund Payment to the County's COVID-19 Response, Authorizing American Rescue Plan Act Fund expenditures for SWD01, and declaring an emergency. /Resolution No. 22-0328
4. Direct a portion of the County's Coronavirus Local Fiscal Recovery Fund Payment to the County's COVID-19 Response, Authorizing American Rescue Plan Act Fund expenditures for EMA01, and declaring an emergency. /Resolution No. 22-0329
5. Direct a portion of the County's Coronavirus Local Fiscal Recovery Fund Payment to the County's COVID-19 Response, Authorizing American Rescue Plan Act Fund expenditures for BLG01, and declaring an emergency. /Resolution No. 22-0330
6. Direct a portion of the County's Coronavirus Local Fiscal Recovery Fund Payment to the County's COVID-19 Response, Authorizing American Rescue Plan Act Fund expenditures for COM01, and declaring an emergency. /Resolution No. 22-0331

DEPARTMENT OF BUDGET & FINANCE

Present: Director Joe Harris

The resolutions are pretty standard today.

Journal Entries:

In accordance with Section 305.30(K) of the Ohio Revised Code and this Board's Resolution 21-0396 and this Board's Resolution 21-0878, the Board of Commissioners acknowledges and approves the County Administrator's approval to:

1. Direct the Auditor's Office to pay/process the May 12, 2022 bills/ACH payments, wires, journal vouchers and then & now's, as applicable, contingent upon the verification of the reports as presented by the County Auditor and reviewed by the Department of Budget and Financial Management.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

Expenditure Review		
<u>County Funds: (0001 – 8399)</u>		
Bill Payment and ACH list totaling:		
Bill Payment list	\$707,903.68	(Includes late fees of: \$0.00)
ACH/Neil Group of	\$101.86	
ACH Payment list totaling:	\$0	
Health Benefit Wire transfers totaling:		
Medical Mutual Admin of	\$0	
Medical Mutual Claims of	\$153,262.14	
Medical Mutual Flex Admin of	\$0	
Medical Mutual Flex Claims of	\$6,601.17	
Journal Vouchers totaling:	\$1,738.50	
Then and Now list totaling:	\$141,810.25	
Debt Service wire list:	\$0	

2. Process the May 12, 2022 budget amendments as reviewed and recommended by the Department of Budget and Financial Management.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

3. The Board of Commissioners signed the Satisfaction of Mortgage for Ida Humeniuk for \$24,720.00 (Instrument No. 9826845) as requested by Neighborhood Development Services. Documents reviewed by the Department of Budget & Finance with no exceptions noted.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

4. The Board of Commissioners signed the Partial Release of Mortgage, releasing from the lien and operation of a certain mortgage from Portage Housing III Project for the property located at 131 Fourth Street, Ravenna, Ohio 44266, as recorded on July 25, 2007, in the amount of \$100,000 in the original investment and with accrued interest totaling to \$230,772.00, in Portage County records as Instrument Number 200716587, as presented by Neighborhood Development Services. Portage County will rec \$9,230.88 from the proceeds of the sale.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

5. The Board of Commissioners authorizes Sabrina Christian-Bennett, President of the Board, to sign the Ohio Department of Development's Revolving Loan Fund Waiver Request for the \$80,000 loan to Family & Community Services for the purpose of the boiler replacement, as presented by Neighborhood Development Services Inc. Documents reviewed by the Department of Budget and Financial Management with no exceptions noted.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

Resolutions:

1. Create Fund 1268-CDBG Target Of Opportunity. /Resolution No. 22-0321
2. Cash Advance from Fund 5400, PCW General Administration To Fund 5512, Mantua Plant Distribution Replacement. /Resolution No. 22-0322
3. Transfer from Fund 0001, General Fund To Fund 1414, Child Support Administration. /Resolution No. 22-0323
4. Transfer from Fund 0001, General Fund To Fund 1166, EMPG Homeland Security Grant. /Resolution No. 22-0324
5. Transfer from Fund 0001, General Fund To Fund 1092, Board Of Elections. /Resolution No. 22-0325

MISCELLANEOUS**Journal Entries:**

1. The Board of Commissioners acknowledged receipt of the Portage County RLF Balance Sheet for April 2022, as presented by Neighborhood Development Services.
Motion: Commissioner Badalamenti
Seconded: Commissioner Kline
 All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
 Commissioner Christian-Bennett, Yea;
Motion Carries
2. The Board of Commissioners acknowledged receipt of the Portage County Investment Portfolio Report for April 2022 as presented by the Portage County Treasurer.
Motion: Commissioner Badalamenti
Seconded: Commissioner Kline
 All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
 Commissioner Christian-Bennett, Yea;
Motion Carries
3. The Board of Commissioners acknowledged receipt of the Portage County Investment Reconciliation for the Month of April 2022, received on May 9, 2022, as presented by the County Auditor and County Treasurer.
Motion: Commissioner Badalamenti
Seconded: Commissioner Kline
 All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
 Commissioner Christian-Bennett, Yea;
Motion Carries
4. The Board of Commissioners acknowledged receipt of the May 9, 2022, Certificate of the County Auditor that the Total Annual Appropriations from each fund do not exceed the Official Certificate of Estimated Resources for the fiscal year beginning January 1, 2022, as presented by the Portage County Auditor's Office.
Motion: Commissioner Badalamenti
Seconded: Commissioner Kline
 All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
 Commissioner Christian-Bennett, Yea;
Motion Carries
5. In accordance with ORC 311.20, the Board of Commissioners acknowledged receipt of the Portage County Sheriff's Monthly Jail Reports for expenditures and food costs for prisoners for December 2021 and January 2022 as presented by the Sheriff's Office.
Motion: Commissioner Badalamenti
Seconded: Commissioner Kline
 All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
 Commissioner Christian-Bennett, Yea;
Motion Carries

6. The Board of Commissioners acknowledged receipt of the Kennel Disposition Report and Intake Report for May 9, 2022 through May 15, 2022 as presented by Chief Dog Warden Dave McIntyre.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

7. The Board of Commissioners agreed to move forward with Quote No. Q-8019353-3.4.2022 for an integrated audio/video streaming system for the Commissioners' Boardroom as presented by BIS Digital in the amount of \$5,233.37 for the equipment as recommended by Information Technology Services Director Lloyd Alger. The Board further authorized Sabrina Christian-Bennett, President of the Board to sign the documents to move forward.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

Resolutions:

1. The Board of Commissioners move to the acceptance of Donations to the Office of the Portage County Dog Warden. /Resolution No. 22-0326
2. The Board of Commissioners approve the appointment of Ron Goodspeed to the Portage County Board of Building Appeals. /Resolution No. 22-0327

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**RESOLUTION NO. 22-0308 - RE: RESCIND RESOLUTION NO. 21-0653 AND TO
ASSUME THE GRANT AND LOAN AGREEMENT
BETWEEN THE OHIO PUBLIC WORKS
COMMISSION AND THE VILLAGE OF MANTUA
FOR THE RESERVOIR REHABILITATION
IMPROVEMENT PROJECT (PORTAGE COUNTY
WATER RESOURCES PROJECT MW-0 21-100)**

It was moved by Anthony J. Badalamenti, seconded by Vicki A. Kline that the following resolution be adopted:

WHEREAS, the Village of Mantua (Village) applied to the Ohio Public Works Commission (OPWC) on October 31, 2018 for a \$300,000 grant and \$150,000 loan to make improvements to the Village water reservoir and booster station [Portage County Water Resources (PCWR) Project Number MW-0 21-100] to bring the water reservoir into compliance with Ohio Environmental Protection Agency regulations; and

- WHEREAS,** the Village and the OPWC entered into an agreement on July 1, 2019 for the requested grant and loan funding; designating the Project as OPWC Project Control No. CG51W/CG52W; and
- WHEREAS,** the Portage County Board of Commissioners (Board) became the owner and operator of the Village Water System on January 4, 2021, through a utility transfer agreement (Agreement) with the Village of Mantua Council, Portage County Board of Commissioners Resolution 20-0809 and Village of Mantua Council Ordinances 2019-49 and 2020-54; and
- WHEREAS,** Per the Agreement the PCWR water surcharge funds collected from the Village customers shall pay for the Project; and
- WHEREAS,** Per Section 11.2 of the Agreement the County agreed to assume the Village's OPWC loans; and
- WHEREAS,** Per the County's request, OPWC has prepared a revised Transfer Agreement with minor language changes that clarify the authorities for the assignment of the Grant Agreement and to transfer the responsibilities to the Board; and
- WHEREAS,** by adoption of this Resolution, the Board's Resolution No.21-0653 is no longer necessary; now therefore be it
- RESOLVED,** that the Portage County Board of Commissioners Resolution No. 21-0653 is hereby rescinded; and be it further
- RESOLVED,** that the Board agrees to assume the Village Grant and Loan Agreement (OPWC Project Control No. CG51W/CG52W) for the Village reservoir project, and designates the President of the Board or his/her designee to execute said Grant and Loan Agreement for PCWR, as required by the OPWC; and be it further
- RESOLVED,** that the Board hereby agrees to provide any additional Project costs above the OPWC grant and loan from the Portage County Regional Water District Fund 5400; and be it further
- RESOLVED,** that the Board authorizes the President of the Board, Commissioner Christian-Bennet, to sign the OPWC Project Control No. CG51W/CG52W Assumption Agreement as presented by OPWC; and be it further
- RESOLVED,** that a certified copy of this Resolution be filed with the OPWC; and be it further
- RESOLVED,** that the Clerk of this Board is hereby directed to certify a copy of this Resolution to the Portage County Auditor, the Department of Internal Services and the Department of Budget and Financial Management; and be it further
- RESOLVED,** that the Board of Commissioners finds and determines that all the formal actions of this Board concerning and relating to the adoption of this resolution were taken

**RESOLUTION NO. 22-0310 - RE: SET TIME AND PLACE FOR ANNUAL MEETING
OF COUNTY AND TOWNSHIP AUTHORITIES AS
PRESCRIBED BY OHIO REVISED CODE 5543.06.**

It was moved by Anthony J. Badalamenti, seconded by Vicki A. Kline that the following resolution be adopted:

- WHEREAS,** Ohio Revised Code 5543.06 requires that the County Engineer annually call a meeting, within the County, of all the Township and County authorities having directly to do with the construction and repair of roads and bridges within the County, and
- WHEREAS,** Michael A. Marozzi, Portage County Engineer, recommends that said meeting be held on **Saturday, May 21, 2022** at the **Portage County Engineer Central Facility** in Ravenna, Ohio, beginning at **6:00 P.M.**; now therefore be it
- RESOLVED,** that the annual meeting of County and Township authorities, as prescribed by Ohio Revised Code 5543.06, be held on **Saturday, May 21, 2022** at the **Portage County Engineer Central Facility** in Ravenna, Ohio, beginning at **6:00 P.M.**, and be it further
- RESOLVED,** that the Board of Commissioners 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 that resulted in those formal actions were in meetings open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll call votes as follows:

Vicki A. Kline, Yea; Sabrina Christian-Bennett, Yea; Anthony J. Badalamenti, Yea;

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**RESOLUTION NO. 22-0311 - RE: DECLARE MS CONSULTANTS, INC. MOST
QUALIFIED FIRM AS A RESULT OF REVIEW AND
ANALYSIS OF QUALIFICATIONS AND ENTER
INTO NEGOTIATIONS FOR PROVIDING
PROFESSIONAL SERVICES FOR CONSTRUCTION
ADMINISTRATION FOR THE PROJECT KNOWN
AS HANKEE ROAD CULVERT REPLACEMENT.**

It was moved by Anthony J. Badalamenti, seconded by Vicki A. Kline that the following resolution be adopted:

- WHEREAS,** Resolution 22-0239 authorized the announcement of the request for proposals for professional services for construction administration for the project known as

Hankee Road Culvert Replacement in Portage County, and

- WHEREAS,** the announcement requesting proposals for said project was published in the Record Courier on April 15, 2022, and
- WHEREAS,** proposals were received from five (5) engineering firms for providing professional services for construction administration for the project known as Hankee Road Culvert Replacement, and
- WHEREAS,** the qualifications were reviewed and rated according to the Portage County's approved consultant quality based selection process as used by the Ohio Department of Transportation, and
- WHEREAS,** after review and rating, the firm of MS Consultants, Inc. was rated highest; now therefore be it
- RESOLVED,** that the Portage County Engineer recommends that the qualifications of MS Consultants, Inc., 333 East Federal Street, Youngstown, Ohio 44503 be accepted, and be it further
- RESOLVED,** that the Portage County Commissioners authorize the Portage County Engineer to enter into contract negotiations with MS Consultants, Inc. for providing professional services for construction administration for the project known as Hankee Road Culvert Replacement in accordance with ORC 153.69, Sub. Sec. A, and be it further
- RESOLVED,** that the Board of Commissioners 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 that resulted in those formal actions were in meetings open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll call votes as follows:

Vicki A. Kline, Yea; Sabrina Christian-Bennett, Yea; Anthony J. Badalamenti, Yea;

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**RESOLUTION NO. 22-0312 - RE: ENTER INTO AN AGREEMENT BETWEEN THE
BOARD OF COMMISSIONERS ON BEHALF OF
PORTAGE COUNTY JOB & FAMILY SERVICES
AND FAMILY & COMMUNITY SERVICES, INC. FOR
FAMILY TEAM MEETING FACILITATIVE
SERVICES FOR CHILDREN SERVICES.**

It was moved by Anthony J. Badalamenti, seconded by Vicki A. Kline that the following resolution be adopted:

- WHEREAS,** Portage County Job & Family Services is in need of Family Team Meeting Facilitative Services to benefit individuals who have or recently have had involvement with the Children Services Division; and
- WHEREAS,** Requests for Proposals were sent to eight (8) potential service providers; and
- WHEREAS,** One (1) proposal was received, opened, and tabulated for Family Team Meeting Facilitative Services for Children Services on April 27, 2022; and
- WHEREAS,** Family & Community Services, Inc. is willing and able to provide these services; now therefore be it
- RESOLVED,** that the Board of Portage County Commissioners does hereby enter into an Agreement between the Board of Commissioners on behalf of Portage County Job & Family Services and Family & Community Services, Inc. with its principal place of business located at 705 Oakwood Street, Suite 221, Ravenna, Ohio 44266, for the period May 1, 2022 through April 30, 2023, with the option to extend one (1) additional year; and be it further
- RESOLVED,** that the total amount of this Agreement is not to exceed Fifty-seven thousand five hundred ninety-nine and 14/100 dollars (\$57,599.14); and be it further
- RESOLVED,** that funding for this agreement will come from Job & Family Services fund 1415; and be it further
- RESOLVED,** that the Board of Commissioners 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 that resulted in those formal actions were in meetings open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll call vote as follows:

Vicki A. Kline, Yea; Sabrina Christian-Bennett, Yea; Anthony J. Badalamenti, Yea;

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**RESOLUTION NO. 22-0313 - RE: SET THE REQUEST FOR PROPOSAL DATE FOR
CHILDREN SERVICES FOR THE PORTAGE
COUNTY JOB & FAMILY SERVICES
DEPARTMENT.**

It was moved by Anthony J. Badalamenti, seconded by Vicki A. Kline that the following resolution be adopted:

RESOLVED, that the request for proposal specifications, for children services for the Portage

County Job & Family Services Department be and hereby are approved; and be it further

RESOLVED, that sealed proposals, therefore, will be accepted by the Portage County Director of Internal Services, 1st floor- room 114, Portage County Administration Building, 449 South Meridian St., Ravenna, Ohio until 2:00 p.m. on June 8, 2022; and be it further

RESOLVED, that the notice of receiving proposals shall be published in the Record Courier on May 24, 2022 and a copy thereof be posted on the bulletin board of the Board forthwith; and be it further

RESOLVED, that the Board of Commissioners 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 that resulted in those formal actions were in meetings open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll call vote as follows:

Vicki A. Kline, Yea; Sabrina Christian-Bennett, Yea; Anthony J. Badalamenti, Yea;

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**RESOLUTION NO. 22-0314 - RE: AGREE TO INCREASE INMATE, VISITOR AND
STAFF MEALS PRICES AT THE PORTAGE
COUNTY JAIL WITH ARAMARK CORRECTIONAL
SERVICES, INC.**

It was moved by Anthony J. Badalamenti, seconded by Vicki A. Kline that the following resolution be adopted:

WHEREAS, the Portage County Board of Commissioners accepted the bid and entered into a contract with Aramark Correction Services, Inc. on April 2, 2021; and

WHEREAS, the agreement is for five (5) years with the pricing quoted in the bid as being fixed for the first year and the allowance of adjustments to the first year pricing renegotiated prior the contracts' anniversary date; and

WHEREAS, the increase effective May 1, 2022 through April 30, 2023 is as follows:

Average Inmates Serviced Per Day	Price per Meal
225-270	\$1.374
271-320	\$1.285
321-370	\$1.260

371-420	\$1.214
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RESOLVED, that the Board of Portage County Commissioners does hereby agree to increase inmate meal prices at the above rates for the period May 1, 2022 through April 30, 2023; and be it further

RESOLVED, that the Board of Commissioners 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 that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll call vote as follows:

Vicki A. Kline, Yea; Sabrina Christian-Bennett, Yea; Anthony J. Badalamenti, Yea;

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**RESOLUTION NO. 22-0315 - RE: DECLARE OBSOLETE AND AUTHORIZE THE
DONATION OF PORTAGE COUNTY JOB AND
FAMILY SERVICES PROPERTY TO PORTAGE
COUNTY OFFICES**

It was moved by Anthony J. Badalamenti, seconded by Vicki A. Kline that the following resolution be adopted:

WHEREAS, that the Portage County Job and Family Services personal property, which is not needed for public use, or is obsolete or unfit for the use for which it was acquired, is declared as such and can be donated according to O.R.C. 307.12; and

WHEREAS, pursuant to O.R.C. 307.12 the Board of County Commissioners may donate such personal property valued under \$2,500.00 without advertisement or public notification to an eligible nonprofit organization that is located in Ohio; now therefore be it

RESOLVED, that the Board of County Commissioners authorizes the donation of the following items with the value of \$310.00 to local Portage County Offices:

<u>Items</u>	<u>Value:</u>
Metal shelf unit, cream, five shelves with dividers (Public Defender's Office)	\$50
Metal shelf unit, cream, four open shelves (Public Defender's Office)	\$50
Metal rolling cart, gray, two shelves (Public Defender's Office)	\$50
Metal desks, two count, cream, three drawers (Public Defender's Office)	\$100
(3) Desk Chairs (2 grey and 1 blue) (Adult Probation)	\$60

; and be it further

RESOLVED,

that the Board of Commissioners 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 that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll call votes as follows:

Vicki A. Kline, Yea; Sabrina Christian-Bennett, Yea; Anthony J. Badalamenti, Yea;

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**RESOLUTION NO. 22-0316 - RE: TRANSFER FROM FUND 1414, CHILD SUPPORT
ADMINISTRATION, TO 1410 PUBLIC ASSISTANCE
FUND**

It was moved by Anthony J. Badalamenti, seconded by Vicki A. Kline that the following resolution be adopted:

WHEREAS, the Child Support Administration Fund owes the Public Assistance Fund for Shared Costs paid out of the Public Assistance Fund; and

WHEREAS, it is necessary to do a transfer of funds to cover these costs; now therefore be it

RESOLVED, that the following transfer of funds be made in the amount of \$28,808.66 for April 2022 costs as reviewed and recommended by the Department of Job & Family Services:

FROM:

FUND 1414, CHILD SUPPORT ADMINISTRATION

ORGCODE - 14140519

Debit Expense Account

Object: 912000 – JFS - Shared

Project 5SHAR

\$28,808.66

TO:

FUND 1410, PUBLIC ASSISTANCE

ORGCODE - 14100512

Revenue Account

Object: 282000 – JFS - Shared

Project 5SHAR

\$28,808.66

; and be it further

RESOLVED, that the County Auditor is hereby requested to make said transfer by Journal Entry, and that a certified copy of this resolution be filed with the Portage County Auditor, the Portage County Job & Family Services, and the Department of Budget and Financial Management; and be it further

RESOLVED, that the Board of Commissioners 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 that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll call vote as follows:

Vicki A. Kline, Yea; Sabrina Christian-Bennett, Yea; Anthony J. Badalamenti, Yea;

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RESOLUTION NO. 22-0317 - RE: APPROVING, SOLELY FOR THE PURPOSES OF SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, THE ISSUANCE BY THE COLORADO HEALTH FACILITIES AUTHORITY OF ITS SENIOR LIVING REVENUE BONDS (AMERICAN EAGLE PORTFOLIO PROJECT), SERIES 2022, FOR THE PURPOSE OF FINANCING THE SENIOR LIVING FACILITIES HEREIN DESCRIBED, ONE OF WHICH IS LOCATED IN THE COUNTY.

It was moved by Anthony J. Badalamenti, seconded by Vicki A. Kline that the following Resolution be adopted:

WHEREAS, the Board of County Commissioners (the "Board") of Portage County (the "County"), Ohio (the "State"), has been informed that the Colorado Health Facilities Authority (the "Issuer") proposes to issue a principal amount not exceeding \$250,000,000 of its Senior Living Revenue Bonds (American Eagle Portfolio Project), Series 2022, in one or more tax-exempt or taxable series (the "Series 2022 Bonds"), the proceeds of which will be loaned to American Eagle Delaware Holding Company LLC, a Delaware limited liability company (the "Borrower"), and/or one or more related and/or affiliated entities (collectively, the "Obligated Group"), in order to:

- (i) finance or refinance, including through reimbursement, all or a portion of the cost of certain capital improvements to be made to the Existing Senior Living Facilities (as defined below), including renovations, improvements, fixtures, machinery, equipment, furniture and furnishings;

- (ii) refinance obligations of the Borrower with respect to, and thereby refund, the outstanding Capital Trust Agency Senior Living Revenue Bonds (American Eagle Portfolio Project), Series 2018, currently outstanding in the aggregate principal amount of \$215,525,000 (the "Refunded Bonds"), the proceeds of which were loaned to the Borrower for the purpose of (a) financing the acquisition, construction, renovation, installation and equipping of the Series 2018 Senior Living Facilities (as defined below) to provide independent living, assisted living and memory care facilities for the elderly, (b) funding an operating and maintenance fund to finance certain capital expenditures and start-up costs related to the Series 2018 Senior Living Facilities, (c) funding one or more reserve funds for the Refunded Bonds, and (d) paying certain costs of issuing the Refunded Bonds (collectively, the "Series 2018 Project");
- (iii) fund one or more reserve funds for the Series 2022 Bonds;
- (iv) fund certain capitalized interest; and
- (v) pay certain costs of issuing the Series 2022 Bonds (collectively, the "Project"); an

WHEREAS, the Series 2018 Senior Living Facilities consist of approximately fifteen independent living, assisted living and memory care facilities located in the States of Alabama, Colorado, Florida, Minnesota, Ohio, Tennessee, and Wisconsin, one of which is located in Ravenna, Portage County, Ohio (the "Portage County Project"); and

WHEREAS, the Portage County Project is a senior living community known as Vista Veranda, located on approximately 5.57 acres at 141 Chestnut Hill Drive, Ravenna, Portage County, Ohio, including land, buildings and equipment, consisting of approximately 50 assisted living or memory care units (including approximately 53 beds), owned by American Eagle Ravenna LLC, an Ohio limited liability company whose sole member is the Borrower, for which certain capital improvements will be financed or refinanced with aggregate proceeds of the Series 2022 Bonds not to exceed \$10,530,000; and

WHEREAS, the "Existing Senior Living Facilities" means and includes:

- (a) Portage County Project;
- (b) a senior living community known as Crescent Wood, located on approximately 16.07 acres at 1800 Harrison Street, Titusville, Brevard County, Florida, including land, buildings and equipment, consisting of approximately 124 assisted living or independent living units (including approximately 134 beds), owned by American Eagle Titusville LLC, a Florida limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$21,056,000);

- (c) a senior living community known as Greenwood Place, located on approximately 6.00 acres at 2680 Croton Road, Melbourne, Brevard County, Florida, including land, buildings and equipment, consisting of approximately 72 assisted living units (including approximately 74 beds), owned by American Eagle Eau Gallie LLC, a Florida limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$11,580,000);
- (d) a senior living community known as Monarch Place, located on approximately 3.50 acres at 105 Michelle Street North West, Hanceville, Cullman County, Alabama, including land, buildings and equipment, consisting of approximately 47 assisted living units (including approximately 47 beds), owned by American Eagle Hanceville LLC, an Alabama limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$9,475,000);
- (e) a senior living community known as Lark Springs, located on approximately 9.91 acres at 2850 North Academy Boulevard, Colorado Springs, El Paso County, Colorado, including land, buildings and equipment, consisting of approximately 60 memory care units (including approximately 74 beds) owned by American Eagle Palmer Park LLC, a Colorado limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$13,686,000);
- (f) a senior living community known as Maris Pointe, located on approximately 3.03 acres at 1200 Avenida del Circo, Venice, Sarasota County, Florida, including land, buildings and equipment, consisting of approximately 42 memory care units (including approximately 42 beds), owned by American Eagle Venice Island LLC, a Florida limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$12,633,000);
- (g) a senior living community known as Palmetto Landing, located on approximately 2.87 acres at 1016 Willa Springs Drive, in unincorporated Seminole County, Florida, including land, buildings and equipment, consisting of approximately 64 assisted living or memory care units (including approximately 82 beds), owned by American Eagle Tuskawilla LLC, a Florida limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$11,580,000);
- (h) a senior living community known as Aldea Green, located on approximately 4.79 acres at 700 South Kings Avenue, in unincorporated Hillsborough County, Florida, including land, buildings and equipment, consisting of approximately 88 assisted living units (including approximately 96 beds), owned by American Eagle Brandon LLC, a Florida limited liability company whose sole member is the

Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$18,950,000);

- (i) a senior living community known as Cascade Heights, located on approximately 14.64 acres at 160 Islander Court, Longwood, Seminole County, Florida, including land, buildings and equipment, consisting of approximately 267 independent living or assisted living units (including approximately 327 beds), owned by American Eagle Island Lake LLC, a Florida limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$71,581,000);
- (j) a senior living community known as Timberdale Trace, located on approximately 2.84 acres at 334 and 364 Cedardale Drive Southeast, Owatonna, Steele County, Minnesota, including land, buildings and equipment, consisting of approximately 43 assisted living or memory care units (including approximately 46 beds), owned by American Eagle Owatonna AL LLC, a Minnesota limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$9,550,000);
- (k) a senior living community known as Hearth Brook, located on approximately 2.41 acres at 331 Goose Pond Road, Newark, Licking County, Ohio, including land, buildings and equipment, consisting of approximately 42 assisted living units (including approximately 42 beds), owned by American Eagle Newark LLC, an Ohio limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$9,550,000);
- (l) a senior living community known as Sycamore Trace, located on approximately 2.30 acres at 1098 Bradford Way, Kingston, Roane County, Tennessee, including land, buildings and equipment, consisting of approximately 39 assisted living units (including approximately 47 beds), owned by American Eagle Kingston LLC, a Tennessee limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$7,445,000);
- (m) a senior living community known as Red Cedar Glen, located on approximately 6.62 acres at 202 Walton Ferry Road, Hendersonville, Sumner County, Tennessee, including land, buildings and equipment, consisting of approximately 136 independent living or assisted living units (including approximately 159 beds), owned by American Eagle Hendersonville LLC, a Tennessee limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$18,950,000);

- (n) a senior living community known as Robin Way, located on approximately 3.63 acres at 7377 88th Avenue, Pleasant Prairie, Kenosha County, Wisconsin, including land, buildings and equipment, consisting of approximately 48 assisted living units (including approximately 48 beds), owned by American Eagle Pleasant Prairie LLC, a Delaware limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$8,425,000); and
- (o) a senior living community formerly known as Brookdale Leesburg, located on approximately 3.00 acres at 700 and 710 South Lake Street, Leesburg, Lake County, Florida, including land, buildings and equipment, consisting of approximately 73 assisted or memory care units (including approximately 78 beds) (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$15,000,000); and

WHEREAS, the "Series 2018 Senior Living Facilities" means and includes the following:

- (a) the Existing Senior Living Facilities; and
- (b) a senior living community formerly known as Brookdale Castle Hills, located on approximately 11.76 acres at 1207 Jackson Keller Road, Castle Hills, Bexar County, Texas, including land, buildings and equipment, consisting of approximately 97 assisted living or memory care units (including approximately 99 beds); and

WHEREAS, the Borrower and the Issuer have requested the Board approve the issuance of the Series 2022 Bonds for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the Series 2022 Bonds, when issued by the Issuer, will be special, limited obligations of the Issuer payable solely from the proceeds to be derived from the repayment of the related loan to the Borrower or from the security pledged therefor by the Obligated Group, and the County will not be obligated to pay the Series 2022 Bonds or have any obligation or liability pecuniary or otherwise in any respect whatsoever with respect to the Series 2022 Bonds or the Portage County Project; now, therefore, be it

RESOLVED by the Board of County Commissioners of Portage County, Ohio, that:

- Section 1. Public Hearing. Pursuant to the Notice that was publicly available on May 3, 2022, through the hearing date by posting a copy thereof on the County's website at <https://www.portagecounty-oh.gov/portage-county-board-commissioners/pages/public-announcements>, which website is used to inform County residents of public hearings conducted by Portage County, pursuant to the Notice published in the Record-Courier, a newspaper of general circulation in the County, not less than seven (7)

days prior to the date hereof, a public hearing was held before the Board, as required by Section 147(f) of the Code on the date hereof. A proof of publication of such Notice is attached hereto as Exhibit A and minutes of such public hearing will be kept on file with the Clerk of the Board (the "Clerk"), and are hereby incorporated herein by reference.

- Section 2. Approval for Purposes of Section 147(f) of the Code. Solely for the purposes of Section 147(f) of the Code, the Board hereby approves the issuance of the Series 2022 Bonds by the Issuer in an aggregate principal amount not exceeding \$250,000,000.
- Section 3. Payment of Fees and Costs by Borrower. The fees and expenses of the County shall be paid by the Borrower at or prior to issuance of the Series 2022 Bonds.
- Section 4. No Liability or Endorsement. The County shall have no obligation with respect to the Series 2022 Bonds, and the approval given herein by the Board shall not be deemed or construed to create any obligation or liability, pecuniary or otherwise, of the County, in connection with either the Series 2022 Bonds or the Project in any respect whatsoever and the Issuer shall so provide in the documents related to the issuance of the Series 2022 Bonds. The general credit or taxing power of the County and the State or any political subdivision or public agency thereof shall not be pledged to the payment of the Series 2022 Bonds. No statement, representation or recital made herein shall be deemed to constitute a legal conclusion or a determination by the County that any particular action or proposed action is required, authorized or permitted under the laws of the State or the United States.

No recourse under or upon any obligation, covenant or agreement of this Resolution or the Series 2022 Bonds or any agreement executed in connection with the Series 2022 Bonds, or for any claim based thereon or otherwise in respect thereof, shall be had against any member of the Board, the County Manager/Administrator, the Clerk or the County Attorney or any other staff or professionals retained by the County in connection with the issuance of the Series 2022 Bonds, as such, past, present or future, either directly or through the County, it being expressly understood (a) that no personal liability whatsoever shall attach to, or is or shall be incurred by, the members of the Board, the County Manager/Administrator, the Clerk or the County Attorney or any other staff or professionals retained by the County in connection with the issuance of the Series 2022 Bonds, as such, under or by reason of the obligations, covenants or agreements contained in this Resolution or implied therefrom, and (b) that any and all such personal liability, either at common law or in equity or by constitution or statute, of, and any and all such rights and claims against, every such member of the Board, the

County Manager/Administrator, the Clerk or the County Attorney or any other staff or professionals retained by the County in connection with the issuance of the Series 2022 Bonds, as such, are waived and released as a condition of, and as a consideration for, the execution of this Resolution on the part of the County.

Section 5. Limited Scope of Approval. The approval given herein shall not be construed as: (i) an endorsement of the creditworthiness of the Borrower or the financial viability of the Project, (ii) a recommendation to any holder of or any prospective purchaser to hold or purchase the Series 2022 Bonds, (iii) an evaluation of the likelihood of the repayment of the debt service on the Series 2022 Bonds, or (iv) approval of any necessary rezoning applications or approval or acquiescence to the alteration of existing zoning or land use nor approval for any other regulatory permits relating to the Portage County Project, and the Board shall not be construed by reason of its adoption of this Resolution to make any endorsement, finding or recommendation or to have waived any right of the Board or to have estopped the Board from asserting any rights or responsibilities it may have in such regard.

Section 6. Compliance with Open Meeting Requirements. This Board finds and determines that all formal actions of this Board and of any of its committees concerning and relating to the adoption of this Resolution were taken, and that all deliberations of this Board and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

Section 7. Effective Date. This Resolution shall be in full force and effect immediately upon its adoption.

Roll call vote as follows:

Vicki A. Kline, Yea; Sabrina Christian-Bennett, Yea; Anthony J. Badalamenti, Yea;

Exhibit A: Evidence of Publication of Notice of Public Hearing

EXHIBIT A
PROOF OF PUBLICATION

LOCALiQ

Copley Ohio Newspapers, Inc.
The Alliance Review | The Daily Record
Record-Courier | Times-Gazette | The Daily Jeff

PO Box 630599 Cincinnati, OH 45263-0599

PROOF OF PUBLICATION

Emily Phillips
Emily Phillips
Posinelli
600 3RD AVE # 42
New York NY 10016-1924

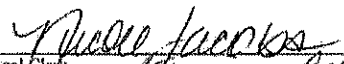
STATE OF OHIO, COUNTY OF PORTAGE

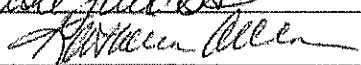
The Record Courier, a newspaper printed and published in the city of Kent, and of general circulation in the County of Portage, State of Ohio, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue dated:

05/03/2022

and that the fees charged are legal.

Sworn to and subscribed before on 05/03/2022



Legal Clerk


Notary, State of WI/County of Brown

My commission expires

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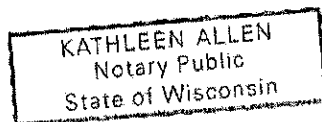
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NOTICE OF PUBLIC HEARING

The Colorado Health Facilities Authority (the "Issuer") has been requested by American Eagle Delaware Holding Company, L.L.C., a Delaware limited liability company (the "Borrower"), and one or more related or affiliated entities (collectively, the "Obligated Group"), to issue its Senior Living Revenue Bonds (American Eagle Portfolio Project), in one or more tax-exempt or taxable series, in an aggregate principal amount not to exceed \$250,000,000 (the "Series 2022 Bonds"). In order to provide funds to be loaned by the Issuer to the Borrower to finance or refinance the Project (as defined below), which relates to multiple senior living facilities located in multiple states, a portion of which is located in Portage County, Ohio (the "County").

For the purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), notice is hereby given that the Board of County Commissioners (the "Board") of the County, will hold a public meeting and hearing of 10:30 AM, or as soon thereafter as practicable, on Thursday, May 19, 2022, in the Commissioners' Boardroom, Portage County Administration Building, 7th Floor, 459 South Meridian Street, Ravenna, Ohio 44266. The public hearing will be conducted in a manner that provides a reasonable opportunity to be heard for persons with differing views on the issuance of the Series 2022 Bonds, the Project, including the Local Facilities (as defined below), and the plan of finance. The tax-exempt Series 2022 Bonds are to be issued as qualified 501(c)(2) bonds, as defined in Section 145 of the Code. The Issuer is issuing the Series 2022 Bonds to provide funds to be loaned by the Issuer to the Borrower in order to:

(i) finance or refinance, including through reimbursement, all or a portion of the cost of certain building and improvements to be made to the Existing Senior Living Facilities (as defined below), including renovations, improvements, fixtures, machinery, equipment, furniture and furnishings;

(ii) refinance obligations of the Borrower with respect to, and thereby refund, the outstanding Capital Trust Agency Senior Living Revenue Bonds (American Eagle Portfolio Project), Series 2018, currently outstanding in the aggregate principal amount of \$215,325,000 (the "Refunded Bonds"); the proceeds of which were loaned to the Borrower for the purpose of (a) financing the acquisition, construction, renovation, installation and equipping of the Series 2018 Senior Living Facilities (as defined below) to provide independent living, assisted living and memory care facilities for the elderly; (b) funding an operating and maintenance fund to finance certain capital expenditures and start-up costs related to the Series 2018 Senior Living Facilities; (c) funding one or more reserve funds for the Refunded Bonds; and (d)

paying certain costs of issuing the Refunded Bonds (collectively, the "Series 2018 Project");

(iii) fund one or more reserve funds for the Series 2022 Bonds;

(iv) fund certain capital interest; and

(v) pay certain costs of issuing the Series 2022 Bonds (collectively, the "Project").

The "Local Facilities" means the portion of the Existing Senior Living Facilities located within the County and include the following:

(a) a senior living community known as Vista Veranda, located on approximately 5.37 acres at 141 Chasnut Hill Drive, Ravenna, Portage County, Ohio, including land, buildings and equipment, consisting of approximately 30 assisted living or memory care units (including approximately 53 beds), owned by American Eagle Ravenna L.L.C., an Ohio limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$1,530,000);

The "Existing Senior Living Facilities" means and includes:

(a) the Local Facilities;

(b) a senior living community known as Crescent Wood, located on approximately 18.07 acres at 1809 Harrison Street, Titusville, Brevard County, Florida, including land, buildings and equipment, consisting of approximately 124 assisted living or independent living units (including approximately 134 beds), owned by American Eagle Titusville L.L.C., a Florida limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$21,050,000);

(c) a senior living community known as Greenwood Place, located on approximately 6.00 acres at 7680 Cranford Road, Melbourne, Brevard County, Florida, including land, buildings and equipment, consisting of approximately 72 assisted living units (including approximately 74 beds), owned by American Eagle Eau Gallie L.L.C., a Florida limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$11,580,000);

(d) a senior living community known as Monarch Place, located on approximately 3.30 acres at 105 Mitchell Street North West, Hanceville, Cullman County, Alabama, including land, buildings and equipment, consisting of approximately 47 assisted living units (including approximately 47 beds), owned by American Eagle Hanceville L.L.C., an Alabama limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$7,425,000);

(e) a senior living community known as Lark Springs, located on approximately

9.91 acres at 2850 North Academy Boulevard, Colorado Springs, El Paso County, Colorado, including land, buildings and equipment, consisting of approximately 60 memory care units (including approximately 74 beds) owned by American Eagle Palmer Park L.L.C., a Colorado limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$13,886,000);

(f) a senior living community known as Marie Pointe, located on approximately 3.03 acres at 1200 Avenida del Circo, Venice, Sarasota County, Florida, including land, buildings and equipment, consisting of approximately 42 memory care units (including approximately 42 beds), owned by American Eagle Venice Island L.L.C., a Florida limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$12,633,000);

(g) a senior living community known as Palmotto Landings, located on approximately 2.87 acres at 1016 Willa Springs Drive, in unincorporated Seminole County, Florida, including land, buildings and equipment, consisting of approximately 64 assisted living or memory care units (including approximately 82 beds), owned by American Eagle Tusculum L.L.C., a Florida limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$11,580,000);

(h) a senior living community known as Aldea Green, located on approximately 4.79 acres at 700 South Kings Avenue, in unincorporated Hillsborough County, Florida, including land, buildings and equipment, consisting of approximately 88 assisted living units (including approximately 96 beds), owned by American Eagle Brandon L.L.C., a Florida limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$18,950,000);

(i) a senior living community known as Cascade Heights, located on approximately 14.64 acres at 160 Islander Court, Longwood, Seminole County, Florida, including land, buildings and equipment, consisting of approximately 267 independent living or assisted living units (including approximately 327 beds), owned by American Eagle Island Lake L.L.C., a Florida limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$21,581,000);

(j) a senior living community known as Timberdale Trace, located on approximately 2.84 acres at 334 and 364 Cedarvale Drive South-east, Owatonna, Steele County, Minnesota, including

land, buildings and equipment, consisting of approximately 43 assisted living or memory care units (including approximately 46 beds), owned by American Eagle Owatonna AL L.L.C., a Minnesota limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$9,550,000);

(k) a senior living community known as Hearth Brook, located on approximately 2.41 acres at 331 Goose Pond Road, Newark, Licking County, Ohio, including land, buildings and equipment, consisting of approximately 42 assisted living units (including approximately 42 beds), owned by American Eagle Newark L.L.C., an Ohio limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$9,550,000);

(l) a senior living community known as Sycamore Trace, located on approximately 2.30 acres at 1099 Bradford Way, Kingsland, Roane County, Tennessee, including land, buildings and equipment, consisting of approximately 39 assisted living units (including approximately 47 beds), owned by American Eagle Kingsland L.L.C., a Tennessee limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$2,445,000);

(m) a senior living community known as Red Cedar Glen, located on approximately 4.62 acres at 202 Walton Ferry Road, Hendersonville, Sumner County, Tennessee, including land, buildings and equipment, consisting of approximately 136 independent living or assisted living units (including approximately 159 beds), owned by American Eagle Hendersonville L.L.C., a Tennessee limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$18,950,000);

(n) a senior living community known as Robin Way, located on approximately 3.63 acres at 7377 88th Avenue, Pleasant Prairie, Kenosha County, Wisconsin, including land, buildings and equipment, consisting of approximately 48 assisted living units (including approximately 48 beds), owned by American Eagle Pleasant Prairie L.L.C., a Delaware limited liability company whose sole member is the Borrower (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$8,425,000); and

(o) a senior living community formerly known as Brookdale Leesburg, located on approximately 3.00 acres at 700 and 710 South Lake Street, Leesburg, Lake County, Florida, including land, buildings and equipment, consisting of approxi-

mately 73 assisted or memory care units (including approximately 78 beds) (the maximum stated principal amount of Series 2022 Bonds to be issued to finance or refinance such project is \$15,000,000).

The "Series 2018 Senior Living Facilities" means and includes the following:

(a) the Existing Senior Living Facilities; and

(b) a senior living community formerly known as Brookdale Castle Hills, located on approximately 11.76 acres at 1207 Jackson Keller Road, Castle Hills, Bexar County, Texas, including land, buildings and equipment, consisting of approximately 97 assisted living or memory care units (including approximately 99 beds).

The sole member of the Borrower is American Eagle LifeCare Corporation, a Tennessee nonprofit corporation, which is an organization described in Section 501(c)(3) of the Code. The manager of the facilities is Greenbrier Senior Living, L.L.C.

The County will neither issue nor be obligated in any manner with respect to the Series 2022 Bonds. The Series 2022 Bonds, when issued, will be special limited obligations of the issuer payable solely out of the revenues, income and receipts pledged to the payment thereof, and the issuer will not be obligated to pay the principal of, premium, if any, or interest on the Series 2022 Bonds except from the loan payments of the Borrower and any other amounts received from the Obligated Group. The Series 2022 Bonds will not constitute: (i) a debt, liability or obligation of the issuer, the County, the State of Ohio (the "State"), or any political subdivision, public agency or municipality thereof; (ii) a pledge of the taxing power of the County, the State, or any political subdivision, public agency or municipality thereof within the meaning of any constitutional or statutory provision. The issuer has no taxing power. At the time and place fixed for said public hearing all who appear will be given an opportunity to express their views for or against the proposal to approve the issuance of said Series 2022 Bonds and the plan of finance. Prior to said public hearing, written comments may be delivered to the County, Attention: Portage County Commissioners, 459 South Meridian Street, Administration Building, 7th Floor, Ravenna, OH 44266. All persons are advised that, if they decide to appeal any decision made by the County with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. All interested persons are invited to present their comments at

the time and place set forth above. THE COUNTY ADHERES TO THE AMERICANS WITH DISABILITIES ACT AND WILL MAKE REASONABLE ACCOMMODATIONS FOR ACCESS TO THIS MEETING UPON REQUEST. PLEASE CALL THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS' OFFICE AT (330) 297-3600 TO MAKE A REQUEST. REQUESTS MUST BE RECEIVED AT LEAST 48 HOURS IN ADVANCE OF THE MEETING IN ORDER FOR THE COUNTY TO PROVIDE THE REQUESTED SERVICE. RC 5/3/2022

**RESOLUTION NO. 22-0318 - RE: ADOPTION OF THE AMENDED PORTAGE
COUNTY BOARD OF COMMISSIONERS'
PERSONNEL POLICY MANUAL – SECTION
5 (OUTSIDE EMPLOYMENT).**

It was moved by Anthony J. Badalamenti, seconded by Vicki A. Kline that the following resolution be adopted:

- WHEREAS,** on December 16, 2021, the Portage County Board of Commissioners adopted Resolution 21-0924, amending the Board of Commissioner's Personnel Policy Manual in its entirety; and
- WHEREAS,** under Section 5 – Outside Employment, language was added advising employees who wish to engage in other employment must notify the Department Director and obtain written permission from the Board of Commissioners/County Administrator prior to starting other employment by completing the Outside Employment Form; now therefore be it
- RESOLVED,** that the Board of Commissioners does hereby adopt said Section 5 – Outside Employment within the Personnel Policy Manual as updated and revised effective May 19, 2022. The updated policy shall be disseminated to all employees under the jurisdiction of the Board of Commissioners; and be it further
- RESOLVED,** that this said policy and Personnel Policy Manual will supersede all prior versions; and be it further
- RESOLVED,** that the Board of Commissioners 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 that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll call vote as follows:

Vicki A. Kline, Yea; Sabrina Christian-Bennett, Yea; Anthony J. Badalamenti, Yea;

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**RESOLUTION NO. 22-0319 - RE: AUTHORIZE THE APPLICATION AND
ACCEPT THE OHIO DEPARTMENT OF
PUBLIC SAFETY 2022-2023 MOTORCYCLE
OHIO GRANT IN THE AMOUNT OF**

**\$60,579.60 ON BEHALF OF THE PORTAGE
COUNTY SHERIFF'S OFFICE.**

It was moved by Anthony J. Badalamenti, seconded by Vicki A. Kline that the following resolution be adopted:

- WHEREAS,** the Ohio Department of Public Safety notified the Portage County Sheriff's Office in May, 2022 that the Portage County Sheriff's Office was approved to receive grant funds in the amount of \$60,579.60 with no local match for the July 1, 2022 through June 30, 2023 grant period; and
- WHEREAS,** this grant was previously administered by the Portage County Health District and will now be administered by the Portage County Sheriff's Office; and
- WHEREAS,** the Portage County Board of Commissioners strongly supports the Portage County Sheriff's Office's endeavors in keeping motorcyclists educated and safe; now therefore be it
- RESOLVED,** that the Board of Commissioners authorizes the application and accepts the 2022 Motorcycle Ohio Grant Award for the grant period of July 1, 2022 through June 30, 2023 in the amount of \$60,579.60; and be it further
- RESOLVED,** the Board of Commissioners authorizes the President of the Board to sign the acceptance documents; and be it further
- RESOLVED,** that a copy of this resolution be filed with the Grant Administrator, the Portage County Auditor's Office, the Department of Budget & Financial Management, and the Portage County Sheriff's Office; and be it further
- RESOLVED,** that the Board of Commissioners 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 that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.00 of the Ohio Revised Code.

Roll call vote as follows:

Vicki A. Kline, Yea; Sabrina Christian-Bennett, Yea; Anthony J. Badalamenti, Yea;

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RESOLUTION NO. 22-0320

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**RE: APPROVES UP TO \$1,000,000 OF
AMERICAN RESCUE PLAN ACT, STATE**

**AND LOCAL FISCAL RECOVERY FUNDS
TO BE UTILIZED OUTSIDE OF PORTAGE
COUNTY DEPARTMENTS BY LOCAL
NONPROFITS**

It was moved by Anthony J. Badalamenti, seconded by Vicki A. Kline that the following resolution be adopted:

- WHEREAS,** Portage County, Ohio, acting by and through its Board of County Commissioners, is a local unit of government eligible for Coronavirus State and Local Fiscal Recovery Funds (SLFRF) from the U.S. Department of the Treasury and has accepted these funds from the U.S. Department of the Treasury to be used for such purposes as are permitted by the American Rescue Plan Act (ARPA) Final Rule, effective April 1, 2022; and
- WHEREAS,** many nonprofit organizations have faced significant challenges as a result of the pandemic, and the Portage County Board of Commissioners wishes to assist County nonprofits with SLFRF; and
- WHEREAS,** nonprofits that are eligible for assistance are those that experienced negative economic impacts as well as disproportionate impacts of the pandemic and meet the definition of a nonprofit—specifically those that are 501(c)(3) or 501(c)(19) tax-exempt organizations; and
- WHEREAS,** a qualified entity is defined herein as a singular nonprofit or an umbrella entity that contains one or more subsidiary nonprofit organizations within that umbrella, is located in Portage County, and serves Portage County residents; therefore be it
- RESOLVED,** the Board hereby sets aside up to \$1,000,000 of the County's ARPA SLFRF allocation from the U. S. Treasury for the aforementioned nonprofit assistance and authorize the acceptance of applications through August 19th, 2022, per the terms of the attached application questionnaire; and be it further
- RESOLVED,** the Board further designates that no award may exceed an amount of \$200,000 per qualified applying entity within the \$1,000,000 threshold; and be it further
- RESOLVED,** that a copy of this resolution be filed with the Portage County Auditor, the Department of Budget & Financial Management, and the Grant Administrator; and be it further

RESOLVED, that the Board of Commissioners 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 that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.00 of the Ohio Revised Code.

Roll call vote as follows:

Vicki A. Kline, Yea; Sabrina Christian-Bennett, Yea; Anthony J. Badalamenti, Yea;

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RESOLUTION NO. 22-0321 - RE: CREATE FUND 1268-CDBG TARGET OF OPPORTUNITY

It was moved by Anthony J. Badalamenti, seconded by Vicki A. Kline that the following resolution be adopted:

WHEREAS, it has become necessary to create a new fund in order to properly control the processing of financial related transactions related to the project, and

WHEREAS, the County Auditor has assigned Fund Number 1268 to CDBG Target of Opportunity; now therefore be it

RESOLVED, that Fund 1268 be created, and be it further

RESOLVED, that a certified copy of this resolution be filed with the Portage County Auditor, Regional Planning Commission, and be it further

RESOLVED, that the Board of Commissioners 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 that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll call vote as follows:

Vicki A. Kline, Yea; Sabrina Christian-Bennett, Yea; Anthony J. Badalamenti, Yea;

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RESOLUTION NO. 22-0322 - RE: CASH ADVANCE FROM FUND 5400, PCW GENERAL ADMINISTRATION TO FUND

**5512, MANTUA PLANT DISTRIBUTION
REPLACEMENT**

It was moved by Anthony J. Badalamenti, seconded by Vicki A. Kline that the following resolution be adopted:

WHEREAS, Fund 5512 is in need of interim cash until revenues are received; now therefore be it

RESOLVED, that the following cash advance be made in the amount of \$ 300,000.00:

FROM:

5400, PCW GENERAL ADMINISTRATION

ORGCODE- 54004009

Debit Expense Account

Object 920000 - Advances-Out \$ 300,000.00

TO:

5512, MANTUA PLANT DISTRIBUTION REPLACEMENT

ORGCODE -55120602

Credit Revenue Account

Object 290000 - Advances-In \$ 300,000.00

; and be it further

RESOLVED, that the advance will be repaid to the PCW General Administration when funds are received, and be it further

RESOLVED, that the County Auditor is hereby requested to make said cash advance by Journal Entry, and that a certified copy of this resolution be filed with the County Auditor, the Department of Water Resources, and the Department of Budget & Financial Management, and be it further

RESOLVED, that the Board of Commissioners 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 that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll call vote as follows:

Vicki A. Kline, Yea; Sabrina Christian-Bennett, Yea; Anthony J. Badalamenti, Yea;

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Roll call vote as follows:

Vicki A. Kline, Yea; Sabrina Christian-Bennett, Yea; Anthony J. Badalamenti, Yea;

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**RESOLUTION NO. 22-0324 - RE: TRANSFER FROM FUND 0001, GENERAL
FUND TO FUND 1166, EMPG HOMELAND
SECURITY GRANT**

It was moved by Anthony J. Badalamenti, seconded by, Vicki A. Kline that the following resolution be adopted:

WHEREAS, in 2020, the County submitted nearly \$280,000 of expenses for reimbursement through FEMA Public Assistance Program. FEMA has rejected a portion of said expenses due to ineligibility, EMPG Homeland Security Grant fund 1166 is in need of a cash transfer from GF to cover said ineligible expenses; now therefore be it;

RESOLVED, that the following Transfer be made,

FROM:

FUND 0001, COUNTY GENERAL FUND

ORGCODE- 00100009

Debit Expense Account

Object: 910000 – Transfer Out

\$ 889.80

TO:

FUND 1166 EMPG HOMELAND SECURITY GRANT

ORGCODE – 11669302

Credit Revenue Account

Object: 280000 – Transfer In

Project: CVD19

\$ 889.80

; and be it further

RESOLVED, that the County Auditor is hereby requested to make said cash advance by Journal Entry, and that a certified copy of this resolution be filed with the Portage County Auditor,

RESOLVED, that the Board of Commissioners 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 that resulted in those formal actions were in meeting open to the public in compliance with the law including Section

121.22 of the Ohio Revised Code.

Roll call vote as follows:

Vicki A. Kline, Yea; Sabrina Christian-Bennett, Yea; Anthony J. Badalamenti, Yea;

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**RESOLUTION NO. 22-0325 - RE: TRANSFER FROM FUND 0001, GENERAL
FUND TO FUND 1092, BOARD OF
ELECTIONS**

It was moved by Anthony J. Badalamenti, seconded by Vicki A. Kline that the following resolution be adopted:

WHEREAS, on November 26, 2018, the Commissioners adopted Resolution 18-0831 establishing an Election Revenue Fund for the Board of Elections; and

WHEREAS, on March 6, 2020, the Commissioners adopted Resolution 20-0151 creating fund 1092 for the purpose of accounting for revenues and expenditures associated with the Board of Elections Chargebacks as set forth in Resolution 18-083; and

WHEREAS, amounts collected from the political subdivisions for the expenses for the May 4, 2021 primary election whose total is \$44,921.38 and the November 2, 2021 general election whose total is \$136,754.27, and be it further

RESOLVED, that the following transfer of funds be made in the amount of \$181,675.65:

FROM:

FUND 0001, COUNTY GENERAL FUND

ORGCODE - 00100009

Debit Expense Account

Object 910000 – Transfer out

\$181,675.65

TO:

FUND 1092, BOARD OF ELECTIONS CHARGEBACK

ORGCODE - 10929022

Credit Revenue Account

Object: 280000 – Transfer In

\$181,675.65

; and be it further,

RESOLVED, that the County Auditor is hereby requested to make said transfer by Journal Entry, and that a certified copy of this resolution be filed with the

County Auditor, Portage County Board of Elections, and the Department of Budget and Financial Management, and be it further,

RESOLVED, that the Board of County Commissioners 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 the Board and that all deliberations of the Board that resulted in those formal actions were in meetings open to the public in compliance with the law including Section 121.22 of the Revised Code.

Roll call vote as follows:

Vicki A. Kline, Yea; Sabrina Christian-Bennett, Yea; Anthony J. Badalamenti, Yea;

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**RESOLUTION NO. 22-0326 - RE: ACCEPTANCE OF DONATIONS TO THE
OFFICE OF THE PORTAGE COUNTY DOG
WARDEN.**

It was moved by Anthony J. Badalamenti, seconded by Vicki A. Kline that the following resolution be adopted:

WHEREAS, the Portage County Dog Warden received a donation from the following for the Spay/ Neuter / Medical fund program:

Name	Address	Donation Amount
Jack Alan Kennedy	6974 White Pine Dr Ravenna Oh 44266	\$20
Michelle Lea Clark	6464 Lakeview Dr Ravenna Oh 44266	\$5
Marshall Papciak	7180 Hughes Rd Ravenna Oh 44266	\$10
David Stewart	8685 Tallmadge Rd Diamond Oh 44412	\$100
Anonymous		\$100
Dave & Laura Nethken	7404 Peck Rd Ravenna Oh 44266	\$20
Janet Fox	4352 Fairground Rd Atwater Oh 44201	\$15
Anonymous		\$100
Chris Shell	4963 St Rt 43 Kent Oh 44240	\$100
Cheri Wetshtein	9306 Bryant Rd Windham Oh 44288	\$5
Linda Hobson	12652 Frost Rd Mantua Oh 44255	\$50
Kathy Livak	4740 Black Walnut La Ravenna Oh 44266	\$50
Carol A. Hedge	2210 St Rt 44 Randolph Oh 44265	\$13
Larry Limbert	340 High Ne St Canal Fulton Oh 44614	\$50
Larry Limbert	340 High Ne St Canal Fulton Oh 44614	\$35
Ricky McMillen	709 Berkeley St Kent Oh 44240	\$40

following member to a three (3) year term beginning May 19, 2022 and expiring May 20, 2025;

Ron Goodspeed
7689 Hudson Road
Kent, Ohio 44240

; and be it further

RESOLVED, that the Board of Commissioners 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 that resulted in those formal actions were in meetings open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll call vote as follows:

Vicki A. Kline, Yea; Sabrina Christian-Bennett, Yea; Anthony J. Badalamenti, Yea;

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**RESOLUTION NO. 22-0328 - RE: DIRECTING A PORTION OF THE COUNTY'S
CORONAVIRUS LOCAL FISCAL
RECOVERY FUND PAYMENT TO THE
COUNTY'S COVID-19 RESPONSE,
AUTHORIZING AMERICAN RESCUE PLAN
ACT FUND EXPENDITURES FOR SWD01
AND DECLARING AN EMERGENCY.**

It was moved by Anthony J. Badalamenti, seconded by Vicki A. Kline that the following resolution be adopted:

WHEREAS, Title IX, Subtitle M, Section 9901 of the American Rescue Plan Act, Pub. L. 117-2 [H.R. 1319], signed into law March 11, 2021 ("**ARPA**"), appropriated Coronavirus Local Fiscal Recovery Fund (the "**Fund**") payments from the U.S. Treasury Secretary to metropolitan cities, nonentitlement units of local government, and counties; and

WHEREAS, pursuant to the ARPA's Fund methodology, Portage County was allocated approximately \$31,600,000 (the "**Fund Payment**") to "mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (COVID-19)"; and

- WHEREAS,** in response to this economic crisis, the Department of the Treasury ("**Treasury Department**") is providing such relief to state and local governments to enable them to continue to support the public health response and lay the foundation for a strong and equitable economic recovery; and
- WHEREAS,** the ARPA and its supporting U.S. Treasury guidance provide that the Fund Payment may only be used by the County to finance costs that (a) respond to the COVID-19 public health emergency or its negative economic impacts; (b) respond to workers performing essential work; (c) provide government services to extent of reduction in revenue; and (d) make necessary investments in water, sewer, or broadband infrastructure (collectively, the "**Criteria**"); and
- WHEREAS,** the Board of Commissioners of the County of Portage, State of Ohio (the "**Board**") has identified a project which consists of the following: purchase of 2 curbside recycling trucks for Portage County Solid Waste District (the "**Project**"); and
- WHEREAS,** in the judgment of the Board the Project seeks to provide government services to extent of reduction in under the Criteria, which all determinations as to the eligible use of funds hereunder are at the sole discretion of the Board, pursuant to certain advice it has received from its legal counsel, which is attached hereto as EXHIBIT A; and
- WHEREAS,** so long as the County duly directs its Fund Payment to finance the Project costs in compliance with the Criteria, the County may use the Fund Payment to offset the County's various fiscal effects from COVID-19 during the period beginning March 3, 2021, and ending December 31, 2024 (the "**Covered Period**"); and
- WHEREAS,** the County received some or all of the Fund Payment directly from the U.S. Treasury, for the receipt of which this Board's adopted Resolution 22-100 on February 8, 2022, suffices to affirm said Fund Payment is to cover only those expenditures consistent with ARPA, including the Criteria, and applicable regulations, and such Fund Payment has been or will be deposited into an appropriate special revenue fund created and maintained by the County; and
- WHEREAS,** the Treasury Department has published an Interim Final Rule and a Final Rule with an effective date of April 1, 2022 (collectively, 31 CFR 35.1 *et seq.*), its regularly updated Coronavirus State and Local Fiscal Recovery Funds' Frequently Asked Questions, and its Coronavirus State and Local Fiscal Recovery Funds: Overview of the Final Rule (collectively,

"Guidance"), further explaining the Criteria and the proper use of the Fund Payment during the Covered Period; and

WHEREAS, the County intends to take action and use the Fund Payment as described herein in a manner consistent with the Final Rule released by the Treasury Department on January 6, 2022, as authorized under said Department's Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule; now therefore be it

RESOLVED, The Project is hereby authorized and shall be paid for from the ARPA Funds in the amount of/an amount not to exceed: \$697,690; and be it further

RESOLVED, That this Board hereby declares the County's COVID-19 Response expenditures described in this resolution were incurred during the Covered Period under the Criteria and the Guidance; to wit: beginning June 2, 2021 and ending December 31, 2024; and be it further

RESOLVED, As time is of the essence, the duly authorized representatives of the County are directed to take action under this Resolution as soon as possible; and be it further

RESOLVED, that a copy of this resolution be filed with the Portage County Auditor, the Department of Budget & Financial Management, and the Grant Administrator; and be it further

RESOLVED, that the Board of Commissioners 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 that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.00 of the Ohio Revised Code; and be it further

RESOLVED, EMERGENCY CLAUSE: This Resolution is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health, and welfare of the County and to provide immediate assistance needed by County residents in response to the COVID-19 public health emergency.

Roll call vote as follows:

Vicki A. Kline, Yea;

Sabrina Christian-Bennett, Yea;

Anthony J. Badalamenti, Yea;

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MEMORANDUM

TO: Allison Diehl, Grant Administrator, Portage County

DATE: May 16, 2022

RE: ARPA Use of Funds – Curbside Recycling Trucks

PROJECT DESCRIPTION:

Can the County use its ARPA funds to pay for two curbside recycling trucks?

BRICKER RESPONSE:

Only eligible under the 3rd bucket to the extent of the County's lost revenue as a provision of government services by the County.

Under the Final Rule, ARPA allows four buckets of eligible use, of which the third is relevant here: "(A) To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality; (B) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers; (C) **For the provision of government services to the extent of the reduction in revenue** due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and (D) To make necessary investments in water, sewer, or broadband infrastructure" [emphasis added] (see U.S. Treasury, Final Rule, Supplementary Information, at pages 4-5).

3rd Bucket Eligibility – Provision of Government Services

The two curbside recycling trucks can be acquired under the 3rd bucket as a provision of government services to the extent of the County's reduction in revenue.

Recall that the 3rd bucket of eligible use does not need to have a direct connection to the County's COVID-19 response. This lack of connection to COVID-19 arises from the U.S. Treasury

presuming "any diminution in actual revenue calculated using [Treasury's "standard allowance" or published formula] to have been 'due to' the COVID-19 public health emergency" (U.S. Treasury, Final Rule: FAQs as of April 27, 2022, Item 3.7).

Here, we note that acquiring two curbside recycling trucks owned and operated by Portage County would comprise general government services and so the expense qualifies under the 3rd bucket.

There are only a few restrictions on the use of ARPA funds up to such lost revenue amount: the County cannot service debt, replenish its rainy day fund, pay legal settlements not related to government services, or make (extraordinary) deposits to its pension fund(s).

Beyond those stated restrictions, the County has "broad latitude to use funds for the provision of government services" (see U.S. Treasury, Final Rule, Supplementary Information, at page 9).

We note here the federal procurement requirements apply under the Uniform Guidance as to the \$697,000 cost to acquire such vehicles. We now turn to a brief overview of such requirements.

Federal Procurement Law & Uniform Guidance

The County's purchases under ARPA must be procured in accordance with both state law and federal law, and the County is required to follow the more restrictive law.

A. Sealed Bids

The County may use sealed bids to comply with both state and federal law. Under state law, a County is required to use sealed bidding for most purchases in excess of \$50,000. This is the "default" process and involves the initial procurement of a design professional to create plans and specifications for the improvements on which all the bidders will bid. Then, the County publishes a solicitation of bids and, at the bid deadline, awards the contract to the "lowest responsible" bidder.

B. Competitive Proposals

In lieu of sealed bids, the Uniform Guidance allows a County to use a competitive proposal process. Generally speaking, though, the County is limited in its use of a proposal process under state law; competitive proposals cannot be used for "construction, design, demolition, alteration, repair, or reconstruction" of capital improvements. However, the County may use a proposal-based process for capital improvement projects by using the construction manager at risk or design-build delivery model.

When a proposal process is used, the Request for Proposals must be publicized and identify all evaluation factors and their relative importance. The County must then award the contract to

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the firm whose proposal is "most advantageous" — which factors both price and technical ability.

Finally, the Uniform Guidance has a specific provision for selection of design professionals. Federal law provides for a qualifications-based procurement of design professional services, where only qualifications are evaluated, and price is not a factor. This mirrors the state law process for these firms.

C. Non-Competitive Procurement

1. Express Exceptions

The Uniform Guidance also provides for exceptions to competitive procurement in certain circumstances. For example, competitive procurement is not necessary where the work is only available from one source, or where a "public exigency" or emergency requires a prompt procurement and prohibits the delay of competitive procurement. There are analogous exceptions found under state law and application of these exceptions is a very fact-specific analysis.

2. Bidding Threshold

Another instance where competitive selection is not required is where the threshold for competition is not triggered. Under state law, purchases under \$50,000 need not be competitively procured by the County. Under federal law, purchases under \$10,000 are "micropurchases" and need not be competitively procured. Purchases over \$10,000, but under \$250,000 require the County to obtain multiple price quotations.

D. Cooperative Purchasing

Finally, the Uniform Guidance also expressly "encourages" non-federal entities to use cooperative purchasing agreements, provided that the contract used as the basis of the cooperative purchasing program complies with federal law. Use of cooperative purchasing will comply with federal law, so long as the underlying procurement of the "master" contract with the contract itself complied with Uniform Guidance (i.e., the contractor was selected by the cooperative agency, council of governments, or the state using a sealed bidding or public request for proposals process). It is the responsibility of the County to confirm that the underlying procurement was in compliance with Uniform Guidance.

Care should be taken when using cooperative purchasing. Under state law, the Ohio Attorney General has opined that construction services may not be procured under the general cooperative purchasing statute, R.C. 9.48, but instead must be procured through a council of governments under R.C. 167.081. Additionally, the Ohio Auditor of State has opined that the State Term program, under R.C. 125.04, while compliant with state law, does not comply with federal law.

RESOLUTION NO. 22-0329

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RE: DIRECTING A PORTION OF THE COUNTY'S
CORONAVIRUS LOCAL FISCAL
RECOVERY FUND PAYMENT TO THE
COUNTY'S COVID-19 RESPONSE,
AUTHORIZING AMERICAN RESCUE PLAN
ACT FUND EXPENDITURES FOR EMA01,
AND DECLARING AN EMERGENCY.

It was moved by Anthony J. Badalamenti, seconded by Vicki A. Kline that the following resolution be adopted:

- WHEREAS,** Title IX, Subtitle M, Section 9901 of the American Rescue Plan Act, Pub. L. 117-2 [H.R. 1319], signed into law March 11, 2021 ("**ARPA**"), appropriated Coronavirus Local Fiscal Recovery Fund (the "**Fund**") payments from the U.S. Treasury Secretary to metropolitan cities, nonentitlement units of local government, and counties; and
- WHEREAS,** pursuant to the ARPA's Fund methodology, Portage County was allocated approximately \$31,600,000 (the "**Fund Payment**") to "mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (COVID-19)"; and
- WHEREAS,** in response to this economic crisis, the Department of the Treasury ("**Treasury Department**") is providing such relief to state and local governments to enable them to continue to support the public health response and lay the foundation for a strong and equitable economic recovery; and
- WHEREAS,** the ARPA and its supporting U.S. Treasury guidance provide that the Fund Payment may only be used by the County to finance costs that (a) respond to the COVID-19 public health emergency or its negative economic impacts; (b) respond to workers performing essential work; (c) provide government services to extent of reduction in revenue; and (d) make necessary investments in water, sewer, or broadband infrastructure (collectively, the "**Criteria**"); and
- WHEREAS,** the Board of Commissioners of the County of Portage, State of Ohio (the "**Board**") has identified a project which consists of the following: purchase of UV-C bulbs to replace those in current sterilization units for Portage County Emergency Management Agency (the "**Project**"); and
- WHEREAS,** in the judgment of the Board the Project seeks to respond to the COVID-19 public health emergency or its negative economic impacts under the Criteria, which all determinations as to the eligible use of funds hereunder are at the sole discretion of the Board, pursuant to certain advice it has

received from its legal counsel, which is attached hereto as EXHIBIT A; and

WHEREAS, so long as the County duly directs its Fund Payment to finance the Project costs in compliance with the Criteria, the County may use the Fund Payment to offset the County's various fiscal effects from COVID-19 during the period beginning March 3, 2021, and ending December 31, 2024 (the "**Covered Period**"); and

WHEREAS, the County received some or all of the Fund Payment directly from the U.S. Treasury, for the receipt of which this Board's adopted Resolution 22-100 on February 8, 2022, suffices to affirm said Fund Payment is to cover only those expenditures consistent with ARPA, including the Criteria, and applicable regulations, and such Fund Payment has been or will be deposited into an appropriate special revenue fund created and maintained by the County; and

WHEREAS, the Treasury Department has published an Interim Final Rule and a Final Rule with an effective date of April 1, 2022 (collectively, 31 CFR 35.1 *et seq.*), its regularly updated Coronavirus State and Local Fiscal Recovery Funds' Frequently Asked Questions, and its Coronavirus State and Local Fiscal Recovery Funds: Overview of the Final Rule (collectively, "**Guidance**"), further explaining the Criteria and the proper use of the Fund Payment during the Covered Period; and

WHEREAS, the County intends to take action and use the Fund Payment as described herein in a manner consistent with the Final Rule released by the Treasury Department on January 6, 2022, as authorized under said Department's Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule; now therefore be it

RESOLVED, The Project is hereby authorized and shall be paid for from the ARPA Funds in the amount of/an amount not to exceed: \$1,635; and be it further

RESOLVED, That this Board hereby declares the County's COVID-19 Response expenditures described in this resolution were incurred during the Covered Period under the Criteria and the Guidance; to wit: beginning June 2, 2021 and ending December 31, 2024; and be it further

RESOLVED, As time is of the essence, the duly authorized representatives of the County are directed to take action under this Resolution as soon as possible; and be it further

RESOLVED, that a copy of this resolution be filed with the Portage County Auditor, the Department of Budget & Financial Management, and the Grant Administrator; and be it further

RESOLVED, that the Board of Commissioners 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 that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.00 of the Ohio Revised Code; and be it further

RESOLVED, EMERGENCY CLAUSE: This Resolution is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health, and welfare of the County and to provide immediate assistance needed by County residents in response to the COVID-19 public health emergency.

Roll call vote as follows:

Vicki A. Kline, Yea; Sabrina Christian-Bennett, Yea; Anthony J. Badalamenti, Yea;



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MEMORANDUM

TO: Allison Diehl, Grant Administrator, Portage County

DATE: May 16, 2022

RE: ARPA Use of Funds – UVC Bulbs for Sanitizing Robots

PROJECT DESCRIPTION:

Can the County use its ARPA funds to purchase UVC bulbs for sanitizing robot lamps used by the County's emergency department?

BRICKER RESPONSE:

Yes. These expenditures are eligible under the 1st bucket (response to COVID-19), as the purchase of UVC bulbs for sanitizing robots is deemed by the U.S. Treasury as a reasonably proportional response to the public health emergency. Also eligible under the 3rd bucket to the extent of the County's lost revenue, as a provision of government services by the County.

Under the Final Rule, ARPA allows four buckets of eligible use of which the first and third are relevant here: "(A) **To respond to the public health emergency** or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality; (B) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers; (C) **For the provision of government services to the extent of the reduction in revenue** due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and (D) To make necessary investments in water, sewer, or broadband infrastructure" [emphasis added] (see U.S. Treasury, Final Rule, Supplementary Information, at pages 4-5).

1st Bucket Eligibility – To Respond to the Public Health Emergency

Two-part framework for determining eligible uses in response to COVID-19 (1st bucket)

Under the 1st bucket (In response to COVID), to determine whether the purchase of the UVC bulbs for sanitizing robots (the “Bulbs”) is an eligible use of the County’s ARPA funds, the County must satisfy the U.S. Treasury’s two-part framework: (1) there must be a negative public health or economic impact resulting from or exacerbated by COVID; and (2) the County’s response must be designed to address the identified health or economic impact, which such response must be “reasonably proportional” (i.e., the scale of the response as compared to the scale of the harm) (see 31 CFR 35.6(b)(1); see also U.S. Treasury, Final Rule, Supplementary Information, at pages 21 – 22).

Under this two-part framework to determine eligible responses under the 1st bucket of use, the U.S. Treasury requires a beneficiary or class of beneficiaries to have experienced an identified harm caused by or exacerbated by the pandemic. And therefore, the County must assess whether the beneficiaries of the Bulbs (i) belong to an impacted or disproportionately impacted household, population, or community and (ii) whether the use of funds address negative public health or economic impacts within those cohorts. (See 31 CFR 35.6(b)(1))

First prong: Harm to beneficiaries

The Treasury states in the Final Rule that when providing COVID-19 prevention and mitigation services, Portage County may presume that the general public (i.e., all residents of the County) experienced public health impacts from the pandemic for purposes of COVID-19 mitigation (see U.S. Treasury, Final Rule, Supplementary Information, at page 57).

Second prong: Response is reasonably proportional to the harm

The County must then show that the purchase of the Bulbs is a reasonably proportional response to COVID-19’s health impact on the County. Treasury states in the Final Rule that Portage County can presume that all enumerated eligible uses for programs and services, including COVID-19 mitigation and prevention programs and services, are reasonably proportional responses to the harm identified unless a response is grossly disproportionate to the type or extent of harm experienced (see 31 CFR 35.6(b)(3)(i)(A): “COVID-19 mitigation and prevention in a manner that is consistent with recommendations and guidance from the Centers for Disease Control and Prevention, including... acquisition and distribution of medical equipment for prevention and treatment of COVID-19, including personal protective equipment”).

As the purchase of the Bulbs can be deemed a COVID-19 mitigation and prevention service by the County, it constitutes an enumerated eligible uses of funds under the 1st bucket.

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3rd Bucket Eligibility – Provision of Government Services

Alternatively, the Bulbs could be purchased under the 3rd bucket as a provision of government services to (to the extent of the County's lost revenue).

Within the new Final Rule the Treasury notes the following, "Treasury presumes that up to \$10 million in revenue has been lost due to the public health emergency and recipients are permitted to use that amount (not to exceed the award amount) to fund 'government services.' ... All recipients may elect to use this standard allowance instead of calculating lost revenue using the [alternative revenue loss] formula... including those with total allocations of \$10 million or less. Electing the standard allowance does not increase or decrease a recipient's total allocation" (U.S. Treasury, Coronavirus State & Local Fiscal Recovery Funds: Overview of the Final Rule, Jan. 2022, at page 9).

Irrespective of the method of determining lost revenue, there are only a few restrictions on the use of ARPA funds up to such lost revenue amount: the County cannot service debt, replenish its rainy day fund, pay legal settlements not related to government services, or make (extraordinary) deposits to its pension fund(s).

Beyond those stated restrictions, the County has "broad latitude to use funds for the provision of government services" (see U.S. Treasury, Final Rule, Supplementary Information, at page 9).

We note here the federal procurement requirements apply under the Uniform Guidance.

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**RESOLUTION NO. 22-0330 - RE: DIRECTING A PORTION OF THE COUNTY'S
CORONAVIRUS LOCAL FISCAL
RECOVERY FUND PAYMENT TO THE
COUNTY'S COVID-19 RESPONSE,
AUTHORIZING AMERICAN RESCUE PLAN
ACT FUND EXPENDITURES FOR BLG01,
AND DECLARING AN EMERGENCY.**

It was moved by Anthony J. Badalamenti, seconded by Vicki A. Kline that the following resolution be adopted:

- WHEREAS,** Title IX, Subtitle M, Section 9901 of the American Rescue Plan Act, Pub. L. 117-2 [H.R. 1319], signed into law March 11, 2021 ("**ARPA**"), appropriated Coronavirus Local Fiscal Recovery Fund (the "**Fund**") payments from the U.S. Treasury Secretary to metropolitan cities, nonentitlement units of local government, and counties; and
- WHEREAS,** pursuant to the ARPA's Fund methodology, Portage County was allocated approximately \$31,600,000 (the "**Fund Payment**") to "mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (COVID-19)"; and
- WHEREAS,** in response to this economic crisis, the Department of the Treasury ("**Treasury Department**") is providing such relief to state and local governments to enable them to continue to support the public health response and lay the foundation for a strong and equitable economic recovery; and
- WHEREAS,** the ARPA and its supporting U.S. Treasury guidance provide that the Fund Payment may only be used by the County to finance costs that (a) respond to the COVID-19 public health emergency or its negative economic impacts; (b) respond to workers performing essential work; (c) provide government services to extent of reduction in revenue; and (d) make necessary investments in water, sewer, or broadband infrastructure (collectively, the "**Criteria**"); and
- WHEREAS,** the Board of Commissioners of the County of Portage, State of Ohio (the "**Board**") has identified a project which consists of the following: software for the Building Department (the "**Project**"); and
- WHEREAS,** in the judgment of the Board the Project seeks to respond to the COVID-19 public health emergency or its negative economic impacts under the Criteria, which all determinations as to the eligible use of funds hereunder

are at the sole discretion of the Board, pursuant to certain advice it has received from its legal counsel, which is attached hereto as EXHIBIT A; and

WHEREAS, so long as the County duly directs its Fund Payment to finance the Project costs in compliance with the Criteria, the County may use the Fund Payment to offset the County's various fiscal effects from COVID-19 during the period beginning March 3, 2021, and ending December 31, 2024 (the "**Covered Period**"); and

WHEREAS, the County received some or all of the Fund Payment directly from the U.S. Treasury, for the receipt of which this Board's adopted Resolution 22-100 on February 8, 2022, suffices to affirm said Fund Payment is to cover only those expenditures consistent with ARPA, including the Criteria, and applicable regulations, and such Fund Payment has been or will be deposited into an appropriate special revenue fund created and maintained by the County; and

WHEREAS, the Treasury Department has published an Interim Final Rule and a Final Rule with an effective date of April 1, 2022 (collectively, 31 CFR 35.1 *et seq.*), its regularly updated Coronavirus State and Local Fiscal Recovery Funds' Frequently Asked Questions, and its Coronavirus State and Local Fiscal Recovery Funds: Overview of the Final Rule (collectively, "**Guidance**"), further explaining the Criteria and the proper use of the Fund Payment during the Covered Period; and

WHEREAS, the County intends to take action and use the Fund Payment as described herein in a manner consistent with the Final Rule released by the Treasury Department on January 6, 2022, as authorized under said Department's Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule; now therefore be it

RESOLVED, The Project is hereby authorized and shall be paid for from the ARPA Funds in the amount of/an amount not to exceed: \$196,884; and be it further

RESOLVED, That this Board hereby declares the County's COVID-19 Response expenditures described in this resolution were incurred during the Covered Period under the Criteria and the Guidance; to wit: beginning June 2, 2021 and ending December 31, 2024; and be it further

RESOLVED, As time is of the essence, the duly authorized representatives of the County are directed to take action under this Resolution as soon as possible; and be it further

RESOLVED, that a copy of this resolution be filed with the Portage County Auditor, the Department of Budget & Financial Management, and the Grant Administrator; and be it further

RESOLVED, that the Board of Commissioners 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 that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.00 of the Ohio Revised Code; and be it further

RESOLVED, EMERGENCY CLAUSE: This Resolution is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health, and welfare of the County and to provide immediate assistance needed by County residents in response to the COVID-19 public health emergency.

Roll call vote as follows:

Vicki A. Kline, Yea; Sabrina Christian-Bennett, Yea; Anthony J. Badalamenti, Yea;

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MEMORANDUM

TO: Allison Diehl, Grant Administrator, Portage County

DATE: May 16, 2022

RE: ARPA Use of Funds – Software for Building Department

PROJECT DESCRIPTION:

Can the County use its ARPA funds to purchase software for the Building Department?

BRICKER RESPONSE:

Yes, this is eligible under the 1st bucket to the extent the software purchase increases public access and improves public delivery of government programs and services. Also eligible under the 3rd bucket to the extent of the County's lost revenue as a provision of government services by the County.

Under the Final Rule, ARPA allows four buckets of eligible use, of which the first and third are relevant here: "(A) **To respond to the public health emergency** or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality; (B) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers; (C) **For the provision of government services to the extent of the reduction in revenue** due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and (D) To make necessary investments in water, sewer, or broadband infrastructure" [emphasis added] (see U.S. Treasury, Final Rule, Supplementary Information, at pages 4-5).

1st Bucket Eligibility – Technology Infrastructure

With the Final Rule's publication in January 2022, Treasury made clear that local government recipients may use their ARPA funds to improve service delivery, data, and outreach, of which investments in technology infrastructure are part. That is, Treasury explicitly allows the County

to use its Local Fiscal Recovery Funds to “improve access to and the user-experience of government information technology systems, *including upgrades to hardware and software* as well as improvements to public-facing websites or to data management systems to increase public access and improve public delivery of government programs and services” [emphasis added] (U.S. Treasury, Final Rule, Supplementary Information, at pages 188 – 189).

Document everything for the file, and have the Commissioners approve a Resolution that formally designates the purchase of software for the Building Department as providing increased public access and improved government program service delivery.

3rd Bucket Eligibility – Provision of Government Services

Alternatively, the software could be purchased under the 3rd bucket as a provision of government services to the extent of the County's reduction in revenue.

Recall that the 3rd bucket of eligible use does not need to have a direct connection to the County's COVID-19 response. This lack of connection to COVID-19 arises from the U.S. Treasury presuming “any diminution in actual revenue calculated using [Treasury's “standard allowance” or published formula] to have been ‘due to’ the COVID-19 public health emergency.” (U.S. Treasury, FAQs as of November 15, 2021, Item 3.6).

Here, we note the software purchase for the County's building department would comprise general government services and so the expense qualifies under the 3rd bucket.

Irrespective of the method of determining lost revenue, there are only a few restrictions on the use of ARPA funds up to such lost revenue amount: the County cannot service debt, replenish its rainy day fund, pay legal settlements not related to government services, or make (extraordinary) deposits to its pension fund(s).

Beyond those stated restrictions, the County has “broad latitude to use funds for the provision of government services” (see U.S. Treasury, Final Rule, Supplementary Information, at page 9).

We note here the federal procurement requirements apply under the Uniform Guidance as to the \$196,900 cost to acquire this software. We now turn to a brief overview of such requirements.

Federal Procurement Law & Uniform Guidance

The County's purchases under ARPA must be procured in accordance with both state law and federal law, and the County is required to follow the more restrictive law.

Page | 3

A. Sealed Bids

The County may use sealed bids to comply with both state and federal law. Under state law, a County is required to use sealed bidding for most purchases in excess of \$50,000. This is the "default" process and involves the initial procurement of a design professional to create plans and specifications for the improvements on which all the bidders will bid. Then, the County publishes a solicitation of bids and, at the bid deadline, awards the contract to the "lowest responsible" bidder.

B. Competitive Proposals

In lieu of sealed bids, the Uniform Guidance allows a County to use a competitive proposal process. Generally speaking, though, the County is limited in its use of a proposal process under state law; competitive proposals cannot be used for "construction, design, demolition, alteration, repair, or reconstruction" of capital improvements. However, the County may use a proposal-based process for capital improvement projects by using the construction manager at risk or design-build delivery model.

When a proposal process is used, the Request for Proposals must be publicized and identify all evaluation factors and their relative importance. The County must then award the contract to the firm whose proposal is "most advantageous" — which factors both price and technical ability.

Finally, the Uniform Guidance has a specific provision for selection of design professionals. Federal law provides for a qualifications-based procurement of design professional services, where only qualifications are evaluated, and price is not a factor. This mirrors the state law process for these firms.

C. Non-Competitive Procurement

1. Express Exceptions

The Uniform Guidance also provides for exceptions to competitive procurement in certain circumstances. For example, competitive procurement is not necessary where the work is only available from one source, or where a "public exigency" or emergency requires a prompt procurement and prohibits the delay of competitive procurement. There are analogous exceptions found under state law and application of these exceptions is a very fact-specific analysis.

2. Bidding Threshold

Another instance where competitive selection is not required is where the threshold for competition is not triggered. Under state law, purchases under \$50,000 need not be competitively procured by the County. Under federal law, purchases under \$10,000 are

"micropurchases" and need not be competitively procured. Purchases over \$10,000, but under \$250,000 require the County to obtain multiple price quotations.

D. Cooperative Purchasing

Finally, the Uniform Guidance also expressly "encourages" non-federal entities to use cooperative purchasing agreements, provided that the contract used as the basis of the cooperative purchasing program complies with federal law. Use of cooperative purchasing will comply with federal law, so long as the underlying procurement of the "master" contract with the contract itself complied with Uniform Guidance (i.e., the contractor was selected by the cooperative agency, council of governments, or the state using a sealed bidding or public request for proposals process). It is the responsibility of the County to confirm that the underlying procurement was in compliance with Uniform Guidance.

Care should be taken when using cooperative purchasing. Under state law, the Ohio Attorney General has opined that construction services may not be procured under the general cooperative purchasing statute, R.C. 9.48, but instead must be procured through a council of governments under R.C. 167.081. Additionally, the Ohio Auditor of State has opined that the State Term program, under R.C. 125.04, while compliant with state law, does not comply with federal law.

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**RESOLUTION NO. 22-0331 - RE: DIRECTING A PORTION OF THE COUNTY'S
CORONAVIRUS LOCAL FISCAL
RECOVERY FUND PAYMENT TO THE
COUNTY'S COVID-19 RESPONSE,
AUTHORIZING AMERICAN RESCUE PLAN
ACT FUND EXPENDITURES FOR COM01,
AND DECLARING AN EMERGENCY.**

It was moved by Anthony J. Badalamenti, seconded by Vicki A. Kline that the following resolution be adopted:

- WHEREAS,** Title IX, Subtitle M, Section 9901 of the American Rescue Plan Act, Pub. L. 117-2 [H.R. 1319], signed into law March 11, 2021 ("**ARPA**"), appropriated Coronavirus Local Fiscal Recovery Fund (the "**Fund**") payments from the U.S. Treasury Secretary to metropolitan cities, nonentitlement units of local government, and counties; and
- WHEREAS,** pursuant to the ARPA's Fund methodology, Portage County was allocated approximately \$31,600,000 (the "**Fund Payment**") to "mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (COVID-19)"; and
- WHEREAS,** in response to this economic crisis, the Department of the Treasury ("**Treasury Department**") is providing such relief to state and local governments to enable them to continue to support the public health response and lay the foundation for a strong and equitable economic recovery; and
- WHEREAS,** the ARPA and its supporting U.S. Treasury guidance provide that the Fund Payment may only be used by the County to finance costs that (a) respond to the COVID-19 public health emergency or its negative economic impacts; (b) respond to workers performing essential work; (c) provide government services to extent of reduction in revenue; and (d) make necessary investments in water, sewer, or broadband infrastructure (collectively, the "**Criteria**"); and
- WHEREAS,** the Board of Commissioners of the County of Portage, State of Ohio (the "**Board**") has identified a project which consists of the following: employee training on American Rescue Plan Act administration (the "**Project**"); and
- WHEREAS,** in the judgment of the Board the Project seeks to cover administrative expenses to administer the ARPA allocation in the County under the Criteria, which all determinations as to the eligible use of funds hereunder

are at the sole discretion of the Board, pursuant to certain advice it has received from its legal counsel, which is attached hereto as EXHIBIT A; and

WHEREAS, so long as the County duly directs its Fund Payment to finance the Project costs in compliance with the Criteria, the County may use the Fund Payment to offset the County's various fiscal effects from COVID-19 during the period beginning March 3, 2021, and ending December 31, 2024 (the "**Covered Period**"); and

WHEREAS, the County received some or all of the Fund Payment directly from the U.S. Treasury, for the receipt of which this Board's adopted Resolution 22-100 on February 8, 2022, suffices to affirm said Fund Payment is to cover only those expenditures consistent with ARPA, including the Criteria, and applicable regulations, and such Fund Payment has been or will be deposited into an appropriate special revenue fund created and maintained by the County; and

WHEREAS, the Treasury Department has published an Interim Final Rule and a Final Rule with an effective date of April 1, 2022 (collectively, 31 CFR 35.1 *et seq.*), its regularly updated Coronavirus State and Local Fiscal Recovery Funds' Frequently Asked Questions, and its Coronavirus State and Local Fiscal Recovery Funds: Overview of the Final Rule (collectively, "**Guidance**"), further explaining the Criteria and the proper use of the Fund Payment during the Covered Period; and

WHEREAS, the County intends to take action and use the Fund Payment as described herein in a manner consistent with the Final Rule released by the Treasury Department on January 6, 2022, as authorized under said Department's Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule; now therefore be it

RESOLVED, The Project is hereby authorized and shall be paid for from the ARPA Funds in the amount of/an amount not to exceed: \$2,914; and be it further

RESOLVED, That this Board hereby declares the County's COVID-19 Response expenditures described in this resolution were incurred during the Covered Period under the Criteria and the Guidance; to wit: beginning June 2, 2021 and ending December 31, 2024; and be it further

RESOLVED, As time is of the essence, the duly authorized representatives of the County are directed to take action under this Resolution as soon as possible; and be it further

- RESOLVED,** that a copy of this resolution be filed with the Portage County Auditor, the Department of Budget & Financial Management, and the Grant Administrator; and be it further
- RESOLVED,** that the Board of Commissioners 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 that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.00 of the Ohio Revised Code; and be it further
- RESOLVED,** EMERGENCY CLAUSE: This Resolution is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health, and welfare of the County and to provide immediate assistance needed by County residents in response to the COVID-19 public health emergency.

Roll call vote as follows:

Vicki A. Kline, Yea; Sabrina Christian-Bennett, Yea; Anthony J. Badalamenti, Yea;

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MEMORANDUM

TO: Allison Diehl, Grant Administrator, Portage County

DATE: May 16, 2022

RE: ARPA Use of Funds – Attendance at ARPA Conference

PROJECT DESCRIPTION:

Can the County use its ARPA funds to reimburse itself for staff attendance at an ARPA Conference?

BRICKER RESPONSE:

Yes. The County is permitted to use ARPA funds to administer its Local Fiscal Recovery Funds. Whether characterized as direct or indirect administrative expenses, the use of funds to attend an ARPA conference is appropriate under a "separate eligible use category" from the standard four buckets of eligible use.

Administrative Expense Eligibility

The Treasury's Final Rule states that direct and indirect administrative expenses are permissible uses of the County's Local Fiscal Recovery Funds and constitute a "separate eligible use category" from the standard four buckets of eligible use, including the 1st bucket's response to COVID-19 rationales (e.g., expenses to improve public sector efficacy and of health or economic relief programs). (See U.S. Treasury, Final Rule, Supplemental Information, at page 365)

Pursuant to the Treasury's *Compliance and Reporting Guidance, State and Local Fiscal Recovery Funds, Feb. 28, 2022, Version 3.0*, ARPA recipients may use funds for administering their Local Fiscal Recovery Funds, including both direct and indirect costs; see *Administrative costs* discussion at page 8. We believe this general authorization captures the ARPA conference attendance expenditure.

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Specifically, the County may charge to its ARPA special revenue fund such administrative costs as follows:

- Direct costs are those that are identified specifically as costs of implementing the Local Fiscal Recovery Fund objectives, such as contract support, materials, and supplies for a project. (See 2 CFR 200.413)
- Indirect costs are general overhead costs of an organization where a portion of such costs are allocable to the County's ARPA award, such as the cost of facilities or administrative functions. (See 2 CFR 200.414)

We view the ARPA conference expenditure as captured under these cost categories, most likely that of direct costs: "costs that can be identified specifically... [as to an] internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy" (2 CFR 200.413(a)). This includes "the costs of materials and other items of expense incurred for the Federal award" (*Id.* at (b)).

Note Treasury directs that each category of cost should be treated consistently in like circumstances as direct or indirect, and recipients may not charge the same administrative costs to both direct and indirect cost categories, or to other programs. (See U.S. Treasury, *Compliance and Reporting Guidance*, at page 9)

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Journal Entries:

In accordance with Section 305.30 of the Ohio Revised Code and this Board's Resolution 21-0396, Part IX(I), the Board of Commissioners acknowledges and approves the County Administrator's approval to:

1. Accept the resignation of Jacob Workman, Engineering Technician III, with Portage County Water Resources, effective May 20, 2022.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

2. Authorize the seven-day internal posting of a bargaining position, Engineering Technician I, vacated by Jacob Workman, for Portage County Water Resources, with external posting if no internal appointment is made.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

3. Accept the resignation of Ian Oros, Engineering Technician I, with Portage County Water Resources, effective May 27, 2022.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

4. Authorize the seven-day internal posting of a bargaining position, Engineering Technician I, vacated by Ian Oros, for Portage County Water Resources, with external posting if no internal appointment is made.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

5. Rescind journal entry #3 on May 5, 2022 authorizing the hire of Ronald Frazier for the Collection System Laborer position in the Portage County Water Resources Department. Mr. Frazier declined the employment offer.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

6. Approve the refactoring of the Water Resources Design Engineer job description from pay grade 13 to pay grade 15. The refactoring is based on difficulties recruiting for the position and to increase the salary range to be more competitive.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

7. Approve the refactoring of the Water Resources Operations Manager job description from pay grade 17 to pay grade 18. The refactoring is based on difficulties recruiting for the position and to increase the salary range to be more competitive.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

8. Accept the resignation of Terri Wiard, JFS IT Specialist, with Portage County Job & Family Services, effective May 20, 2022.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

9. Authorize the internal/external posting of the non-bargaining position, JFS IT Specialist, vacated by Terri Wiard, with Portage County Job & Family Services. The vacancy will be posted internally and externally concurrently until filled.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

10. Accept the resignation of Alex Santiago, Clerical Specialist 4, with Portage County Job & Family Services, effective May 19, 2022.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;
Motion Carries

11. Authorize the three-day internal posting of a bargaining position, Clerical Specialist 4, vacated by Alex Santiago, for Portage County Job & Family Services, with external posting if no internal appointment is made.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;
Motion Carries

12. Authorize the termination of a probationary employee, Nikki Williams, with Portage County Job & Family Services effective May 13, 2022.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;
Motion Carries

13. Authorize the three-day internal posting of a bargaining position, Social Services Worker 3 – Group Home, vacated by Nikki Williams, for Portage County Job & Family Services, with external posting if no internal appointment is made.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;
Motion Carries

14. Authorize the transfer of Denise Williams, Eligibility Specialist, to Investigator 2, replacing Darla Hylton, in Portage County Job & Family Services, effective May 30, 2022.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;
Motion Carries

15. Authorize the three-day internal posting of a bargaining position, Eligibility Specialist, vacated by Denise Williams, for Portage County Job & Family Services, with external posting if no internal appointment is made.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

16. Authorize the promotion of John Vodila, JFS Training Specialist, to OMJ Supervisor, replacing Louise Feciuch, in Portage County Job & Family Services, effective May 30, 2022.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

17. Authorize the internal/external posting of the non-bargaining position, JFS Training Specialist, vacated by John Vodila, with Portage County Job & Family Services. The vacancy will be posted internally and externally concurrently until filled.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

18. Authorize the hire of Sierra Boggs, as a Social Services Worker 3 in Portage County Department of Job & Family Services, replacing Samantha Fields. Tentative start date is May 23, 2022. The Board of Commissioners agree that this hire is contingent upon the applicant passing the required pre-employment screenings.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

In accordance with Section 305.30(K) of the Ohio Revised Code and this Board's Resolution 21-0396 and this Board's Resolution 21-0878, the Board of Commissioners acknowledges and approves the County Administrator's approval to:

19. Direct the Auditor's Office to pay/process the May 12, 2022 bills/ACH payments, wires, journal vouchers and then & now's, as applicable, contingent upon the verification of the reports as presented by the County Auditor and reviewed by the Department of Budget and Financial Management.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

Expenditure Review		
<u>County Funds: (0001 – 8399)</u>		
Bill Payment and ACH list totaling:		
Bill Payment list	\$707,903.68	(Includes late fees of: \$0.00)
ACH/Neil Group of	\$101.86	
ACH Payment list totaling:	\$0	
Health Benefit Wire transfers totaling:		
Medical Mutual Admin of	\$0	
Medical Mutual Claims of	\$153,262.14	
Medical Mutual Flex Admin of	\$0	
Medical Mutual Flex Claims of	\$6,601.17	
Journal Vouchers totaling:	\$1,738.50	
Then and Now list totaling:	\$141,810.25	
Debt Service wire list:	\$0	

20. Process the May 12, 2022 budget amendments as reviewed and recommended by the Department of Budget and Financial Management.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

21. The Board of Commissioners signed the Satisfaction of Mortgage for Ida Humeniuk for \$24,720.00 (Instrument No. 9826845) as requested by Neighborhood Development Services. Documents reviewed by the Department of Budget & Finance with no exceptions noted.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

22. The Board of Commissioners signed the Partial Release of Mortgage, releasing from the lien and operation of a certain mortgage from Portage Housing III Project for the property located at 131 Fourth Street, Ravenna, Ohio 44266, as recorded on July 25, 2007, in the amount of \$100,000 in the original investment and with accrued interest totaling to \$230,772.00, in Portage County records as Instrument Number 200716587, as presented by Neighborhood Development Services. Portage County will rec \$9,230.88 from the proceeds of the sale.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

23. The Board of Commissioners authorizes Sabrina Christian-Bennett, President of the Board to sign the Ohio Department of Development's Revolving Loan Fund Waiver Request for the \$80,000 loan to Family & Community Services for the purpose of the boiler replacement, as presented by Neighborhood Development Services Inc. Documents reviewed by the Department of Budget and Financial Management with no exceptions noted.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

24. The Board of Commissioners acknowledged receipt of the Portage County RLF Balance Sheet for April 2022, as presented by Neighborhood Development Services.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

25. The Board of Commissioners acknowledged the receipt of the Portage County Investment Portfolio Report for April 2022 as presented by the Portage County Treasurer.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

26. The Board of Commissioners acknowledged the receipt of the Portage County Investment Reconciliation for the Month of April 2022, received on May 9, 2022 as presented by the County Auditor and County Treasurer.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

27. The Board of Commissioners acknowledged receipt of the May 9, 2022 Certificate of the County Auditor that the Total Annual Appropriations from each fund do not exceed the Official Certificate of Estimate Resources for the fiscal year beginning January 1, 2022, as presented by the Portage County Auditor's Office.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

28. In accordance with ORC 311.20, the Board of Commissioners acknowledged receipt of the Portage County Sheriff's Monthly Jail Reports for expenditures and food costs for prisoners for December 2021 and January 2022 as presented by the Sheriff's Office.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

29. The Board of Commissioners acknowledged receipt of the Kennel Disposition Report and Intake Report for May 9, 2022 through May 15, 2022 as presented by Chief Dog Warden Dave McIntyre.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

30. The Board of Commissioners agreed to move forward with Quote No. Q-8019353-3.4.2022 for an integrated audio/video streaming system for the Commissioners' Boardroom as presented by BIS Digital in the amount of \$5,233.37 for the equipment as recommended by Information Technology Services Director Lloyd Alger. The Board further authorized Sabrina Christian-Bennett, President of the Board to sign the documents to move forward.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

All in Favor: Commissioner Badalamenti, Yea; Commissioner Kline, Yea;
Commissioner Christian-Bennett, Yea;

Motion Carries

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Motion: by Commissioner Christian-Bennett, seconded by Commissioner Kline that the Board adjourns the Meeting of **May 19, 2022, at 11:35 AM**
All in Favor: Commissioner Christian-Bennett, Yea; Commissioner Kline, Yea; Commissioner Badalamenti, Yea;
Motion Carries

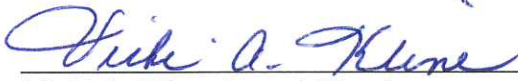
We do hereby certify that the foregoing is a true and correct record of the Portage County Board of Commissioners' meeting of **May 19, 2022.**



Sabrina Christian-Bennett, President



Anthony J. Badalamenti, Vice President



Vicki A. Kline, Board Member



Sara Hoag, Acting Clerk