



Portage County Board of Commissioners
Meeting Minutes

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

Amy Hutchinson, Clerk
330-297-3600

Thursday, September 8, 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, Department of Budget and Financial Management Director Joe Harris, Diane Smith, Barb Tittle, and Geraldine Nelson

1. The Board of Commissioners approves the September 1, 2022 regular meeting minutes.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

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

Motion Carries

HUMAN RESOURCES

Present: Director Janet Kovick

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 Sarah Taylor, Public Information Officer, for Portage County Job & Family Services, effective end of business day September 9, 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 posting of the non-bargaining position, Public Information Officer for Portage County Job & Family Services, replacing Sarah Taylor. The position 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

3. Authorize the hire of Jennifer Christley, Social Services Worker 2, replacing Nickalaus Corpe, in the Portage County Department of Job & Family Services. The tentative start date is October 3, 2022. The Board of Commissioners agrees 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

4. Approve anniversary/probationary step increases for the following non-bargaining employees:

- a. Sarah Taylor, Public Information Officer (JFS) – Effective 8/22/2022;
- b. Shawn Kelly, Child and Adult Protective Services Supervisor (JFS) – Effective 9/5/2022;
- c. Dustin Dickerson, Training Specialist (JFS) – Effective 9/5/2022;
- d. Rebecca Brown, Paralegal (JFS) – Effective 9/19/2022.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

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

Motion Carries

JOB AND FAMILY SERVICES

Present: Director Kellijo Jeffries

Resolution:

1. Transfer from Fund 1415, Child Welfare Special Levy Fund to Fund 1410 Public Assistance Fund./Resolution No. 22-0557

DEPARTMENT OF BUDGET AND FINANCIAL MANAGEMENT

Present: Director Joe Harris

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 September 1, 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		
County Funds: (0001 – 8399)		
Bill Payment and ACH list totaling:		
Bill Payment list	\$560,099.98	(Includes late fees of: \$0)
ACH/Neil Group of	\$0	
ACH Payment list totaling:	\$0	
Health Benefit Wire transfers totaling:		
Medical Mutual Admin of	\$0	
Medical Mutual Claims of	\$1,108,214.92	
Medical Mutual Flex Admin of	\$0	
Medical Mutual Flex Claims of	\$1,675.59	
Journal Vouchers totaling:	\$798,341.34	
Then and Now list totaling:	\$71,443.86	
Debt Service wire list:	\$0	
BWC Wires:	\$0	

2. Process the September 1, 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

Resolutions:

1. Transfer From Fund 0001, General Fund To Fund 1410, Public Assistance Fund./Resolution No. 22-0558
2. Resolution authorizing the necessary property tax levies and certifying them to the County Auditor at rates estimated by the County Auditor and approved by the County Budget Commission - ORC 5705.34 for fiscal 2023./Resolution No. 22-0559
3. Cash Transfer From Fund 0001, General Fund To Fund 1008, Computerization Clerk Comm Pleas & Fund 1010 Computerization Clerk Muni./Resolution No. 22-0560

4. Approving and accepting the Portage County Budget Commission's alternative method of apportioning and distributing the local government fund./Resolution No. 22-0561
5. Transfer From Fund 8300, Solid Waste General Admin, To Fund 8301, SWMD LGFT./Resolution No. 22-0562
6. The Board Of County Commissioners of the Portage County Solid Waste Management District Certifies to the Portage County Auditor Unpaid Charges for the Franklin Township Leaf Recycling Program on Referenced Properties in Franklin Township on Behalf of The Franklin Township Trustees./Resolution No. 22-0563

MISCELLANEOUS

Journal Entries:

1. The Board of Commissioners acknowledged receipt of the August 30, 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

INTERNAL SERVICES

Present: Director JoAnn Townend and Deputy Director Shannon Kautzman

Discussion:

1. Project Updates

RAVENNA COURTHOUSE:

1. Lula elevator - The elevator has been delivered and it's in the process of being installed.
2. Courthouse Parking lot - Approved by the City of Ravenna's Planning Commission, Estimate \$688,632.00. Architect proceeding with final bid documents.
3. Main & Jail Elevators - Elevators need to be evaluated by the State inspectors. The elevators have been evaluated and we are waiting on the final reports. The project will need to go out for bid because the expense is over the allowable threshold of \$50,000. We will also need to address individuals coming to court on the 3rd floor and it may include utilizing the inmate elevator.
4. Common Pleas Courtroom & Jury Chair Replacements - Finalizing quantities & quotes. Total cost \$28,753.01 and funding will be appropriated today.
5. Common Pleas Court Carpet Replacement - The color has been chosen by Court yesterday and the replacement cost is \$27,461.90. The purchase order has been entered and the carpet is on order.
6. Probate Court renovation (request to move the Clerks to the Riddle Block Building) The contractor has indicated if they relocated, it will take 2 months for renovation, if not it will take 5 months. Director Townend met with the Probate Court to discuss the details. The cost to

renovate the Probate Court is over the bid limit, so drawings will be necessary.

RIDDLE BLOCK BUILDING:

1. Window replacement - estimated construction cost \$875,000.00, arch. fee \$84,200.00. On hold.
2. Masonry restoration - estimated construction cost \$850,000.00 arch. fee \$83,600.00. On hold.
3. HVAC replacement - estimated cost \$180,000.00 arch fee \$45,000.00. Approved by Ravenna Historical Review Committee 7/14/22.
4. Roof replacement - estimated construction cost \$800,000.00, arch, fee \$82,050.00. Approved by Ravenna Historical Review Committee 7/14/22.

ANNEX BUILDING:

1. Annex building proposed recommendations by architect:
 - a. Install new perimeter footer drains and area wells. Architect working on bid specs.
 - b. Remove & replace existing front steps with ADA compliant ramp with steps. Architect preparing cost estimate.
 - c. Remove & replace the existing exterior elevator with a new interior three-stop LULA elevator. Architect preparing cost estimate.
 - d. Remove & replace the existing pad-mounted HVAC unit with three furnaces with exterior condensers. Architect preparing cost estimate.

ADMINISTRATION BUILDING:

1. PCAB elevator replacement. Architect is preparing cost estimate to replace all three.
2. Auditor request for painting of floor \$28,475.00; request for carpeting \$40,279.67; and new upgrade/renovation to all restroom's (public & employee) and kitchen \$36,418.00. On hold for BOC approval and funding. Total \$105,172.67.
3. Board of Elections request for paint & carpeting. On hold for BOC approval and funding. Painting quote \$3,665.00, carpeting \$23,701.44. Total \$27,366.44.

PROSECUTOR'S WINDOWS/FACADE:

1. Architect's fee \$39,300.00. Construction cost estimate \$300,000.00.
2. Prosecutor's telephone system replacement \$872.69 per month for 36 months. Letter to BOC 7/5/22 requesting BOC approval. The Board approved the new system on September 1, 2022 and we are waiting for the signed contract from the vendor.

STATION 30:

1. Architectural fee for feasibility study \$12,800.00. The Board of Commissioners' authorized the project to move forward with a construction cost estimate of \$4,583,721.75. We are now waiting for the architect's design/drawings & construction management quote, which should be received later today. We will be utilizing ARPA funding for the entire project.

JUSTICE CENTER:

1. Roof replacement - Architectural fee \$24,750.00, Core samples taken 5/26/22. The architects are still working on the specifications.

RECORD CENTER:

1. Roof replacement - Architectural fee \$24,750.00 Core samples taken 5/26/22. The bids have

been advertised.

JUVENILE COURT:

1. Renovations and Modernization - The architect's fee is \$24,500.00. Construction cost estimate \$809,451.00. Part of the project may be paid with ARPA funds.

OLD ENGINEER'S SITE:

1. BUSTR approved Tier 1 for the site and the next step toward closure is to complete a Tier 2. The Environmental group is working on the closure report.

HILLS POND DAM:

1. Meeting with Engineer and Prosecutor was held. Title company working to confirm access rights by the landowners. We are waiting on information from Engineer from the meeting.

Administrator Crombie clarified that the meeting was only attended by Commissioner Christian-Bennett and key staff members. Shawn Arden will be coming back to present his findings during public session.

Director Townend indicated Mr. Arden believes the need for multiple easements is no longer necessary and that it can be done with one.

Administrator Crombie pointed out that since this process was started, there has been additional time to investigate other possibilities with the dam and Commissioner Christian-Bennett mentioned when the process started, the only available grant opportunities were for the removal of the dam and now there's funding to maintain the dam. Mr. Arden will be presenting an alternate solution that is truly a win-win for everyone within the coming weeks.

Administrator Crombie asked Director Townend to contact Mr. Arden to schedule an appointment with the Board to provide the latest update.

PORTAGE COUNTY AIRPORT:

1. Consultant's fee \$116,500.00. Fund number established June 23, 2022. Resolution 22-0458 dated July 21, 2022, transferring \$2,000,000.00 from the General Fund to Fund 4018. The Airport Board is still gathering information for the consultant and Director Townend should have the information by the end of the week.

WIC COLUMBIANA COUNTY LEASE TO PURCHASE:

1. Health Commissioner discussing lease/purchase with his Board. The Health Department is in the process of moving and Director Townend will contact them once they get settled.

Resolutions:

1. The Board of Commissioners agrees to enter into amendment no. 7 with Job & Family Services, the Northeast Ohio Consortium Council of Governments and the Portage Development Board./Resolution No. 22-0564
2. The Board of Commissioners agrees to enter into a subgrant agreement with Job & Family Services, the Northeast Ohio Consortium Council of Governments for Ohiomeansjobs Center Operator and Adult and Dislocated Worker Services./Resolution No. 22-0565

3. The Board of Commissioners agrees to enter into an agreement with Hasenstab Architects, Inc. for the Prosecutor's Building exterior facade repair./Resolution No. 22-0566

COUNTY ADMINISTRATOR

Present: Michelle Crombie

9:21 AM In accordance with Ohio Revised Code §121.22 (G)(6), motion by Anthony J. Badalamenti, seconded by Vicki A. Kline, to enter into Executive Session to consider details relative to security arrangements and emergency response protocols for this public body or the office of the Board of Commissioners because disclosure of the matters may reasonably be expected to jeopardize the security of this public body or the office of the Board of Commissioners. Also present: Administrator Michelle Crombie, Attorney Chris Meduri and Information Technology Services Director Lloyd Alger (via zoom). Roll call vote: Anthony J. Badalamenti, Yea; Vicki A. Kline, Yea; Sabrina Christian-Bennett, Yea;

9:47 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.

Resolutions:

1. 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 SHE02./Resolution No. 22-0567
2. 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 COM04./Resolution No. 22-0568

MISCELLANEOUS

1. The Board of Commissioners acknowledged receipt of the Amended Certificate of Estimated Resources Dated August 30, 2022, as presented by the Portage County Budget Commission.

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 Kennel Disposition Report and Intake Report for August 15, 2022 through August 28, 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

3. The Board of Commissioners acknowledged receipt of the September 2, 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

4. The Board of Commissioners approved the August 2022 adjustments to the Portage County Water, Portage County Sewer, and Streetsboro Sewer billing accounts as reported on the adjustment reports submitted 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

Commissioner Christian-Bennett announced the blood drive at Immaculate Conception Hall from 12:30 PM – 6:30 PM and mentioned they are struggling to get the blood products needed for local hospitals and patients.

Recess until the Public Hearing: 9:51 AM

Reconvened: 10:30 AM

Recessed into the Public Hearing: 10:30 AM

**PORTAGE COUNTY SOLID WASTE MANAGEMENT DISTRICT'S PUBLIC HEARING
ON THE STANDARDIZED RATE/CHARGE FOR CURBSIDE COLLECTION**

**Board of Commissioners Meeting Room on the
Seventh Floor of the Portage County Administration Building,
449 South Meridian St. Ravenna, Ohio 44266**

**Thursday, September 8, 2022
at 10:30 AM**

PRESENT: Commissioner Christian-Bennett, Commissioner Badalamenti, Commissioner Kline, County Administrator Michelle Crombie, Clerk Amy Hutchinson, Department of Budget and Financial Management Director Joe Harris, Solid Waste Management District Director

Dawn Collins, Attorney Chris Meduri, Mike Tinlin, Diane Smith Barb Tittle, and Geraldine Nelson

I. WELCOME AND INTRODUCTIONS

Commissioner Christian-Bennett welcomed everyone to the Public Hearing and introduced the Board of Commissioners and key staff members in attendance.

Commissioner Christian-Bennett asked the audience to make sure they have signed in on the Attendance Sheet provided as it becomes part of the public record and silence your cell phone throughout the duration of the Public Hearing.

II. GENERAL STATEMENT OF FACT – Commissioner Christian-Bennett

The Board of County Commissioners of the Portage County Solid Waste Management District will hold three public hearings pursuant to Section 343.08 of the Ohio Revised Code concerning the standardized rate/charge of \$5.50 per month for the curbside collection of recyclables for residential properties (The service is provided in accordance with agreements between the legislative authorities of participating political subdivisions and this Board).

The Portage County Solid Waste Management District is unique from many other solid waste management districts in that the District operates its own collection vehicles to provide curbside services in certain areas of the county.

As noted in the Ohio EPA approved solid waste management plan for the county, "historically the District began curbside collection services to fill a service gap where no private sector providers were offering curbside collection."

The District offers curbside collection agreements to legislative authorities of participating political subdivisions in the areas of the county for which the District is able to provide such service. As noted in the solid waste management plan, the political subdivisions in the areas of the county where the District is able to provide such service may continue with the District for such services or may seek a private provider.

Last fall the District began offering a new standardized rate agreement to the legislative authorities of participating political subdivisions for the curbside collection of recyclables. The new standardized rate for curbside service is \$5.50 per month.

The District has asked the Board of County Commissioners of the Portage County Solid Waste Management District to hold three public hearings on the new standardized rate.

The three public hearings will take place here in the Board's meeting room on the Seventh Floor of the Portage County Administration Building located at 449 South Meridian Street, Ravenna, Ohio 44266 on: **Thursday, September 1, 2022, 10:30 AM, Thursday, September 8, 2022, 10:30 AM, and Thursday, September 15, 2022, 10:30 AM.**

This is the second scheduled public hearing of three.

Notice of the Public Hearing was published in the Record Courier newspaper on August 11, 18, and 25, 2022.

**III. COMMENTS FROM THE SOLID WASTE MANAGEMENT DISTRICT DIRECTOR
DAWN COLLINS CONCERNING THE DISTRICT AND THE STANDARDIZED RATE**

Ohio Solid Waste Districts were established to divert materials from landfills and establish recycling opportunities. In the fall of 2021, the district sent a letter to the curbside communities. This letter was intended to provide open communication regarding the upcoming changes for standardizing our recycling agreements. This also gave communities the opportunity to seek alternative recycling options. The district needed to standardize these agreements so we could offer the best service while keeping the district staff and our Portage County recycling residents safe as drivers and trucks were in short supply. Some Portage County Townships were already at the \$5.50 rate and every other week service level and standardizing began in 2022.

The district provides service to many communities that private haulers will not service. A neighboring community pays \$6.00 a month for smaller carts and every other week service.

In 2021, the district collected over 18 million pounds of single-stream recycling. In addition to the curbside program and the drop-off collection program, the district has resumed hosting special events. In the fall of 2021, we collected over 40,000 pounds of electronics and this spring, we held a recycling day and collected tires, electronics, and offered residential shredding. The district continues to collect used motor oil and antifreeze, and lastly, the district continues to look into additional programs to benefit the residents of Portage County, including a household hazardous waste collection day.

IV. MEMBERS OF THE PUBLIC IN ATTENDANCE AT THESE HEARINGS WILL BE OFFERED THE OPPORTUNITY OF GIVING TESTIMONY OR MAY SIMPLY PROVIDE COMMENTS OR OPINIONS-Commissioner Sabrina Christian-Bennett
(To testify means to give evidence as a witness)

Those wishing to testify concerning the standardized rates during this public hearing are now asked to please stand and raise your right hand and repeat after me:

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.

For any member of the public in attendance at these hearings who simply want to give his or her comments or opinions - you will need not be sworn in as a witness-and are

free to provide your comments and opinions after those who desire to testify as a witness has provided his or her testimony.

We will now proceed with public comment for any persons who would like to provide a comment or opinion concerning this matter.

V. PUBLIC COMMENT – Commissioner Christian-Bennett

- If you wish to share your comments, please come forward to the podium and speak directly into the microphone.
- The Board requests all persons speaking to be civil and respectful of each other and to speak on the relevant matter at hand.
- In order to allow all those who want to testify to be able to have the opportunity to do so, we ask that each person speaking try to stay within a 3-5 minute time frame.
- Please state your name for the record.

VI. GENERAL PUBLIC COMMENTS

- Barb Tittle asked when the hazardous waste collection event would be offered and what would it include and Director Collins responded the department is currently working on it and she would like to have it towards the end of November and a list will be provided for acceptable items.
- Barb Tittle asked if the new rate will be \$5.50 for everyone or will it be higher than \$5.50 and Director Collins responded the standardized rate is \$5.50 and it will stay at that rate for the foreseeable future.

VII. WRITTEN ENDORSEMENTS OR OBJECTIONS – Commissioner Christian-Bennett

The Board of Commissioners received no written objection at this time.

Any written endorsements or objections to the standardized rate/charge that have not been heard today will be received by the Portage County Board of Commissioners **for a period of five working days after the final Public Hearing scheduled on September 15, 2022.** Please direct your correspondence to Portage County Commissioners' Office, ATTN: Commissioners' Clerk, 449 South Meridian Street, Ravenna, Ohio 44266.

VIII. GENERAL COMMENTS FOR THE GOOD OF THE ORDER – Commissioner Christian-Bennett

Does the Board have any additional comments or questions?

Commissioner Christian-Bennett reported the remaining public hearing is scheduled on **Thursday, September 15, 2022, at 10:30 AM** in the Board of Commissioners' Meeting Room on the Seventh Floor of the Portage County Administration Building, 449 South Meridian Street, Ravenna, Ohio 44266.

IX. CLOSING STATEMENT – Commissioner Christian-Bennett

Thank you for coming, the Board appreciates your time and concern about this very important issue.

At this time the Public Hearing regarding the standardized rates and charges for Portage County Solid Waste Management District has concluded at **10:39 AM**.

Motion: by Commissioner Kline, seconded by Commissioner Badalamenti that the Board adjourns the Public Hearing of **September 8, 2022 at 10:39 AM**.

Roll Call Vote: Commissioner Kline, Yea; Commissioner Badalamenti, Yea; Commissioner Christian-Bennett, Yea; **Motion Carries**

Reconvene back into the Commissioners' regular session at 10:39 AM.

Recessed until Public Comment: 10:39 AM

Reconvened: 11:00 AM

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RESOLUTION NO. 22-0557 - RE: TRANSFER FROM FUND 1415, CHILD WELFARE SPECIAL LEVY FUND TO FUND 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 Welfare Special Levy Fund owes the Public Assistance Fund for Shared Costs and Social Services cost pool 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 \$204,000.00, for SFY22 4th Qtr pymt#2 as reviewed and recommended by the Department of Job & Family Services:

FROM:

FUND 1415, CHILD WELFARE SPECIAL LEVY FUND

ORGCODE - 14150519

Debit Expense Account

Object: 912000 – JFS Shared

Project 5SHAR

\$204,000.00

TO:

FUND 1410, PUBLIC ASSISTANCE FUND

ORGCODE - 14100512

Credit Revenue Account

Object: 282000 – JFS Shared

Project 5SHAR

\$204,000.00

; 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. 22-0558 - RE: TRANSFER FROM FUND 0001, GENERAL
FUND TO FUND 1410, PUBLIC
ASSISTANCE FUND**

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 are mandated to provide payment of the county share of public assistance expenditures in accordance with section 5101.161 of the Ohio Revised code; and

WHEREAS, it is necessary to do a transfer of the mandated share funds from the General Fund; now therefore be it

RESOLVED, that the following transfer of funds be made in the amount of \$29,187.98 for the month of September 2022 as reviewed and recommended by the Department of Job & Family Services:

FROM:

FUND 0001, COUNTY GENERAL FUND

ORGCODE - 00100009

Debit Expense Account

Object: 910000 – Transfer Out

\$29,187.98

TO:

FUND 1410, PUBLIC ASSISTANCE FUND

ORGCODE - 14100512

Credit Revenue Account

Object: 280000 – Transfer In

Project: NONE

\$29,187.98

; 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. 22-0559 - RE: RESOLUTION AUTHORIZING THE
NECESSARY PROPERTY TAX LEVIES AND
CERTIFYING THEM TO THE COUNTY
AUDITOR AT RATES ESTIMATED BY THE
COUNTY AUDITOR AND APPROVED BY
THE COUNTY BUDGET COMMISSION - ORC
5705.34 FOR FISCAL 2023.**

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

WHEREAS, on July 7, 2022 the Portage County Board of Commissioners, in accordance with the provisions of law, adopted Resolution 22-0427, the Fiscal 2023 Tax Budget, for the next succeeding fiscal year commencing January 1, 2023; and

WHEREAS, on August 1, 2022 the Budget Commission of Portage County, Ohio, certified its action thereon to this Board together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Board, and what part thereof is without and within the ten mill tax limitation; now therefore it be

RESOLVED, by the Board of County Commissioners of Portage County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification for the fiscal year commencing January 1, 2023, are hereby accepted, and be it further

- RESOLVED,** that there be and is hereby levied on the tax duplicate of said County, the rate of each tax necessary to be levied within and without the ten mill limitation as displayed at the end of this Resolution; and be it further
- RESOLVED,** that a copy of this resolution be filed with the Portage County Budget Commission 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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**RESOLUTION NO. 22-0560 - RE: CASH TRANSFER FROM FUND 0001,
GENERAL FUND TO FUND 1008,
COMPUTERIZATION CLERK COMM PLEAS
& FUND 1010 COMPUTERIZATION CLERK
MUNI**

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

WHEREAS, Fund 1008 & Fund 1010 have obligations that exceed their cash balance and are in need of a General Fund transfer; now therefore be it

RESOLVED, that the following cash transfer be made in the amount of \$ 80,456.42

FROM:

FUND 0001, GENERAL FUND
ORGCODE- 00100009
Debit Expense Account
Object: 910000 – Transfers Out

\$ 80,456.42

TO:

FUND 1008, COMPUTERIZATION CLERK COMM PLEAS
ORGCODE -10085002
Credit Revenue Account
Object: 280000 – Transfer In

\$ 20,700.62

TO:
FUND 1010, COMPUTERIZATION CLERK MUNI
ORGCODE -10105022
Credit Revenue Account
Object: 280000 – Transfer In \$ 59,755.80

; and be it further

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

* * * * *
**RESOLUTION NO. 22-0561 - RE: APPROVING AND ACCEPTING THE
PORTAGE COUNTY BUDGET
COMMISSION'S ALTERNATIVE METHOD
OF APPORTIONING AND DISTRIBUTING
THE LOCAL GOVERNMENT FUND.**

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

WHEREAS, Portage County is a participating political subdivision and has been provided with an alternative method of apportioning the local government fund as put forth in Exhibit "A" attached to this Resolution; now therefore be it

RESOLVED, that the Board of Portage County Commissioners does hereby approve and accept the percentages set forth in the alternative method of apportioning and distributing the local government fund, for a term of ten (10) years, and as set forth in Exhibit "A"; and be it further

RESOLVED, that the Clerk for the Board of Commissioners is hereby directed to certify a copy of this Resolution to the Portage County Budget 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;

* * * * *

RESOLUTION NO. 22-0562 - RE: TRANSFER FROM FUND 8300, SOLID WASTE GENERAL ADMIN, TO FUND 8301, SWMD LGFT

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

WHEREAS, EPA requires the District to have a set aside fund, and Fund 8301 was created to meet the set aside requirement; now therefore be it

RESOLVED, that the following transfer shall be made, in the amount of \$3,162.12 to satisfy EPA's requirements for 2022; as recommended by the Director of the Portage County Solid Waste Management:

FROM:

FUND 8300, SW GENERAL ADMIN

ORGCODE- 83009019

Debit Expense Account

Object: 910000 Transfers Out \$ 3,162.12

TO:

FUND 8301 SOLID WASTE LGFT

ORGCODE – 83019012

Credit Revenue Account

Object: 280000 Transfer In \$ 3,162.12

; 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, Portage County Solid Waste Management District and the Department of Budget & Financial Management; and be it further

RESOLVED, that the Board of District 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;

*	*	*	*	*
RESOLUTION NO. 22-0563	-	RE:	BOARD OF COUNTY COMMISSIONERS OF THE PORTAGE COUNTY SOLID WASTE MANAGEMENT DISTRICT CERTIFIES TO THE PORTAGE COUNTY AUDITOR UNPAID CHARGES FOR THE FRANKLIN TOWNSHIP LEAF RECYCLING PROGRAM ON REFERENCED PROPERTIES IN FRANKLIN TOWNSHIP ON BEHALF OF THE FRANKLIN TOWNSHIP TRUSTEES	

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

WHEREAS, the Board of County Commissioners of the Portage County Solid Waste Management District certifies unpaid charges for the Franklin Township Leaf Recycling Program, on behalf of the Franklin Township Trustees, from July 1, 2021, through June 30, 2022, to be placed on the Portage County Real Property Tax Duplicates for collection on the 2023 Property taxes, and

WHEREAS, it is found and determined by this Board that in accordance with the existing contractual agreement between the Franklin Township Board of Trustees that this Board may certify to the Portage County Auditor those charges unpaid for the Township Leaf Recycling Program on parcels designated by the Franklin Township Board of Trustees; now therefore be it

RESOLVED, that this Board, in accordance with the existing contractual agreement between the Franklin Township Board of Trustees and this Board, hereby certifies to the Auditor of Portage County said charges for the Franklin Township Leaf Recycling Program, on behalf of the Franklin Township

Trustees, for the amount of \$51.25 per premises (real property parcel). As directed by the Franklin Township resolution 2022-21 (attached) to be placed on the real property duplicate against the lots or parcels as indicated by the Franklin Township Board of Trustees; and be it further

RESOLVED, that a copy of this Resolution be filed with the Portage County Auditor's office; and be it further

RESOLVED, that the Board of County Commissioners of the Portage County Solid Waste Management District 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;

* * * * *

RESOLUTION NO. 22-0564 - RE: ENTER INTO AMENDMENT NO. 7 BETWEEN THE PORTAGE COUNTY BOARD OF COMMISSIONERS ON BEHALF OF PORTAGE COUNTY JOB & FAMILY SERVICES, THE NORTHEAST OHIO CONSORTIUM COUNCIL OF GOVERNMENTS, AND THE PORTAGE DEVELOPMENT BOARD.

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

WHEREAS, Northeast Ohio Consortium of Governments (the "NOC COG") made by the Ohio Department of Job and Family Services (ODJFS) was awarded a grant pursuant to Title I of the Workforce Innovation and Opportunity Act of 2014 (WIOA) for the program year commencing July 1, 2017 for Business Resource services; and

WHEREAS, the Northeast Ohio Consortium Council of Governments has been designated as a Subgrantee and the Fiscal and Administrative Agent for the Business Resource Network within Geauga, Ashtabula and Portage Counties; and

WHEREAS, on July 21, 2017, the NOC COG issued a Request for Proposals ("RFP") to perform the County Account Executive work from experienced

workforce and economic professionals and was sent to seventeen (17) potential providers; and

WHEREAS, Two (2) proposals were received, opened and tabulated for above mentioned services; and

WHEREAS, on February 22, 2018, the Board of Portage County Commissioners on behalf of the Portage County Department of Job & Family Services entered into a Subgrant Agreement with the Northeast Ohio Consortium Council of Governments and Portage Development Board for the provision of Business Resource Network services for the period September 1, 2017 through June 30, 2018, through Resolution No. 18-0151; and

WHEREAS, on November 1, 2018, the Board of Portage County Commissioners on behalf of the Portage County Department of Job & Family Services entered into a Subgrant Agreement with the Northeast Ohio Consortium Council of Governments and Portage Development Board for the provision of Business Resource Network services for the period July 1, 2018 through June 30, 2019, through Resolution No. 18-0773; and

WHEREAS, on July 2 ,2019, the Board of Portage County Commissioners on behalf of the Portage County Department of Job and Family services entered into a Subgrant Agreement with the Northeast Ohio Consortium Council of Governments and Portage Development Board for the provision of Business resource Network services for the period July 1, 2019 through June 30, 2020, through Resolution No. 19-0472; and

WHEREAS, on September 24, 2020 the Board of Portage County commissioners on behalf of Portage County Job and Family Services entered into a subgrant agreement with the northeast Ohio Consortium Council of Governments and Portage Development Board for the provision of Business resource Network services for the period July 1, 2020 through June 30, 2021, through resolution No. 20-0585; and

WHEREAS, on May 5, 2021 the NOCCOG Board passed a motion to amend the July 1, 2020 agreement by increasing the contract by Five Thousand and 00/100 dollars (\$5,000.00) through resolution No. 21-0849; and

WHEREAS, on July 28, 2021 the NOCCOG board passed a motion to amend the July 1, 2020 subgrant agreement by (1) extending the contract to August 31, 2021 and (2) increasing the agreement by Seven Thousand Five hundred dollars (\$7,500.00) through resolution no. 21-0682 ; and

WHEREAS, on October 6, 2021 the NOC COG board, passed a motion to amend the July 1, 2020 Subgrant Agreement. (1) extending the contract October 31, 2021; and (2) increasing the agreement Seven Thousand Five hundred

dollars (\$7,500.00) through Resolution No. 22-0019; and

WHEREAS, on November 17, 2021 the NOC COG board, passed a motion, making a fourth amendment, to amend the July 1, 2020 Subgrant Agreement. Said motion permitted the July 1, 2020, Subgrant Agreement to be amended in writing to (1) change the term of the Agreement from an original term of July 1, 2020 to June 30, 2021 to that of July 1, 2020 to December 31, 2021; and (2) increasing the amount of the agreement an additional Seven thousand Five hundred and 00/100 dollars (\$7,500.00) through Resolution No. 22-0267; and

WHEREAS, on December 20, 2021 the NOC COG board, passed a motion, making a fifth amendment, to amend the July 1, 2020 Subgrant Agreement. Said motion permitted the July 1, 2020, Subgrant Agreement to be amended in writing to (1) change the term of the Agreement from an original term of July 1, 2020 to June 30, 2021 to that of July 1, 2020 to March 31, 2022; and (2) increasing the amount of the agreement an additional Seven thousand Five hundred and 00/100 dollars (\$7,500.00) through Resolution 22-0267;

WHEREAS, on March 23, 2022 the NOC COG board, passed a motion, making a sixth amendment, to amend the July 1, 2020 Subgrant agreement. Said motion permitted the July 1, 2020, subgrant agreement to be amended in writing to (1) change the term of the Agreement from an original term of July 1, 2020 to June 30, 2021 to that of July 1, 2020 to June 30, 2022; and (2) increasing the amount of the agreement an additional Eleven thousand two hundred fifty and 00/10 dollars (\$11,250.00) through Resolution 22-0344

WHEREAS, the parties desire to amend the Original Agreement; and

WHEREAS, This Agreement will be used to detail the terms of the relationship between the NOC COG, Portage County Department of Job & Family Services and Portage Development Board; now therefore be it

RESOLVED, on June 22, 2022, the NOC COG board, passed a motion, making a seventh Amendment, to amend the July 1, 2020 Subgrant agreement. Said motion permitted the July 1, 2020, Subgrant agreement to be amended in writing to (1) change the term of the Agreement from an original term of July 1, 2020 to June 30, 2021 to that of July 1, 2020 to August 31, 2022; and (2) increasing the agreement an additional Eleven Thousand two hundred fifty and 00/100 dollars (\$11,250.00)

WHEREAS, the parties desire to amend the Original Agreement; and

RESOLVED, that the Board of Portage County Commissioners on behalf of the Portage County Department of Job & Family Services agree to enter into

Amendment No. 7 with the Northeast Ohio Consortium Council of Governments and Portage Development Board to (1) change the term of the Agreement from an original term of July 1, 2020 to June 30, 2021 to that of July 1, 2020 to August 31, 2022 and (2) amend the amount of compensation available during the amended term from the amount of Ninety One thousand two hundred fifty 00/100 dollars (\$91,250.00) to that of One hundred two thousand five hundred and 00/100 dollars(\$102,500.00)18; and be it further

RESOLVED, FUND 1413 will be used to pay for this agreement; and be it further

RESOLVED, that the total amount of this Agreement is not to exceed One hundred two thousand five hundred and 00/100 dollars for the contract period July 1, 2020 through August 31, 2022; 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;

*	*	*	*	*
RESOLUTION NO. 22-0565	-	RE:	ENTER INTO A SUBGRANT AGREEMENT BETWEEN THE PORTAGE COUNTY BOARD OF COMMISSIONERS ON BEHALF OF THE PORTAGE COUNTY DEPARTMENT OF JOB & FAMILY SERVICES, AND THE NORTHEAST OHIO CONSORTIUM COUNCIL OF GOVERNMENTS FOR OHIOMEANSJOBS CENTER OPERATOR AND ADULT AND DISLOCATED WORKER SERVICES.	

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

WHEREAS, Title I of the Workforce Innovation and Opportunity act of 2014 (WIOA) requires that WIOA Area 19, which consists of Geauga, Ashtabula and Portage Counties, must provide for the existence of one or more OhioMeansJobs centers, and provide Adult and Dislocated Worker Career and Training services; and

- WHEREAS,** the Northeast Ohio Consortium Council of Governments (NOC COG) has been designated as the Fiscal and Administrative Agent for Title I WIOA funds and other workforce development activity funding sources pursuant to a Governing Agreement entered into by Geauga, Ashtabula and Portage Counties; and
- WHEREAS,** on June 22, 2022, the NOC COG and on July 13, 2022 the Area 19 WDB respectively voted to give the GRANTOR the authority to enter into a Subgrant Agreement with SUBGRANTEE for the provision of the Comprehensive OhioMeansJobs center, and the provision of Adult and Dislocated Worker career and Programing Services, pursuant to the terms and conditions set forth herein, for a term commencing July 1, 2022, and ending June 30, 2023; now therefore be it
- RESOLVED,** that the Portage County Board of Commissioners does hereby enter into a Subgrant Agreement with the Northeast Ohio Consortium Council of Governments on behalf of the Portage County Department of Job & Family Services for the period July 1, 2022 through June 30, 2023;
- RESOLVED,** that compensation for WIOA staffing services shall not exceed Four Hundred eighty-nine Thousand Five Hundred and 00/100 dollars (\$489,500.00); and be it further
- RESOLVED,** that compensation for Adult and Dislocated Worker programming services shall not exceed Four Hundred six Thousand and 00/100 dollars (\$406,000.00); and be it further
- RESOLVED,** that compensation for business services/software Expenses and Job fairs, Job fair outreach and Sponsorships shall not exceed Forty-five Thousand and 00/100 dollars (\$45,000.00); and be it further
- RESOLVED,** that compensation for Miscellaneous expenses for subscriptions equipment and supplies not covered by the MOU shall not exceed Five Thousand dollars and 00/100 (\$5,000.00)
- RESOLVED,** that compensation for operation of the OhioMeansJobs Center shall not exceed One hundred Forty-one Thousand Six Hundred Twenty-two 0918/100 dollars (\$141,622.09); and be it further
- RESOLVED,** that total compensation under this Subgrant Agreement for the period July 1, 2022 through June 30, 2023 shall not exceed One Million Eighty Seven thousand one hundred twenty two and 09/100 Dollars (\$1,087,122.09), 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;

*	*	*	*	*
RESOLUTION NO. 22-0566	-	RE:	ENTER INTO AN AGREEMENT BETWEEN THE PORTAGE COUNTY COMMISSIONERS AND HASENSTAB ARCHITECTS, INC. FOR THE PROSECUTOR'S BUILDING EXTERIOR FAÇADE REPAIR.	

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 has the need to repair the exterior façade causing water leaking issues at the Prosecutor's Building, 241 S. Chestnut St., Ravenna OH; and

WHEREAS, Hasenstab Architects, is experienced and professionally capable to perform the design services for the repair; now therefore be it

RESOLVED, that the Board of Portage County Commissioners does hereby approve the Agreement with **Hasenstab Architects, 190 N. Union St., Suite 400, Akron OH 44304**, to provide services as stipulated in the agreement at the rate not to exceed Thirty-nine thousand, three hundred dollars and 00/100 dollars (\$39,300.00); 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;

* * * * *

**RESOLUTION NO. 22-0567 - 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 SHE02,
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 radio equipment for Portage County Sheriff's Office/Dispatch division (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: \$500,000; 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

Exhibit A



Bricker & Eckler LLP
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Columbus, OH 43215
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MEMORANDUM

TO: Allison Diehl, Grant Administrator, Portage County

DATE: August 30, 2022

RE: ARPA Use of Funds -- Emergency Operations Center, MARCS Towers, and Sheriff's Dispatch Center **SUPERSEDING MEMO**

This memorandum supersedes previous Bricker guidance provided to the County on June 13, 2022, in light of new U.S. Treasury guidance issued on July 27, 2022 (FAQ 13.16) that clarifies the federal government's view as to the disposition of the County's MARCS Project.

PROJECT DESCRIPTIONS:

1. The County would like to renovate a building it owns to accommodate the County's new Office of Homeland Security and Emergency Management Agency's Emergency ("EMA") Operations Center, and purchase necessary emergency equipment to be installed in therein (the "EOC Construction Project").
2. The County would like to build three (3) new Multi-Agency Radio Communication System towers for the County's EMA. The County further intends to turn over these towers, upon completion of their installation (paid for with ARPA funds), to the State of Ohio for maintenance/upkeep (the "MARCS Project").
3. The County would like to expand its Sheriff's dispatch center and buy new radio equipment for the dispatchers to use. The current room has inadequate space to facilitate current operational and equipment needs.

BRICKER RESPONSES:

As to the EOC Construction Project, eligible under the 1st bucket of use (as a response to COVID-19) as construction of an emergency operations center and acquisition of emergency response equipment.

As to the MARCS Project, eligible under the 1st bucket of use (as a response to COVID-19) as an acquisition of emergency response equipment. The provisions of the federal Uniform Guidance specific to the disposal of equipment must be followed as to any future hand-over (i.e.,

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disposal) of the MARCS towers to the State of Ohio. We review 2 CFR 200.311, and 200.313, below.

The County must proceed carefully as to the Dispatch Center Project, because the Treasury does not provide as much leeway in the use of ARPA funds – under the 1st bucket – to purely law enforcement end uses. If the County funds this expansion project under the 1st bucket of use, eligible only to offset those costs directly attributable to (i) the proportion (rate) by which the dispatch center provides service directly as a public health response (e.g., the percentage of calls for Fire / EMS, and/or for purposes of COVID-19 prevention and treatment handled by the Sheriff's dispatch center); (ii) acquisition of emergency response equipment (i.e., new radio equipment); and (iii) those portions of the planned build-out that are expanded / enhanced / spec'd-out for COVID mitigation and prevention.

All three projects, if funded in whole or in part under the 1st bucket of use rationale (as a response to COVID-19), constitute capital expenditures under the Treasury's Final Rule, and therefore are subject to enhanced justification and reporting protocols.

Each of the EOC Construction, MARCS, and Dispatch Center Projects are wholly eligible under the 3rd bucket of use as a provision of government services, to the extent of the County's reduction in revenue.

ANALYSIS:

Under the Final Rule, ARPA allows four buckets of eligible use, the first and third of which 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 of Use

Two-part framework for determining eligible uses in response to COVID-19

Under the 1st bucket (in response to COVID), to determine whether any of the EOC Construction, MARCS, and Dispatch Center Projects are 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, and at page 194).

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* (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, the Treasury states in the Final Rule that Portage County may presume the general public (i.e., all Portage County residents) experienced public health impacts from the pandemic for purposes of public health (see U.S. Treasury, Final Rule, Supplementary Information, at page 37).

Second, the County must show the EOC Construction, MARCS, and Dispatch Center Projects are reasonably proportional in response to COVID-19's health impact on the County.

The Treasury will view all three projects as constituting "capital expenditures" under the Final Rule (see 31 CFR 35.3: "capital expenditures has the same meaning given in 2 CFR 200.1", which in turn, defines them to include "additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets"). And the Treasury's general position holds that capital expenditures are not presumed to be reasonably proportional responses to an identified harm. (See U.S. Treasury, Final Rule, Supplementary Information, at page 57).

Interestingly – and helpful to this discussion – the Treasury, in its Final Rule, provides specific authorizations relative to emergency operations centers and emergency radio equipment under this analysis. Specifically, the Treasury lists certain capital expenditures as responsive to pandemic operational needs, including "improvements to or construction of emergency operations centers and acquisition of emergency response equipment" (see U.S. Treasury, Final Rule, Supplementary Information, at pages 61 – 62).

EOC Construction Project

The entirety of the EOC Construction Project is an appropriate use of the County's Local Fiscal Recovery Funds under the 1st bucket as a response to COVID-19, so long as the project otherwise meets the Final Rule's requirements for capital expenditures (described below).

The EOC Construction Project comprises both *construction of an emergency operations center* and *acquisition of emergency response equipment* under the Final Rule. (See U.S. Treasury, Final Rule, Supplementary Information, at page 61)

MARCS Project

The entirety of the MARCS Project is an appropriate use of the County's Local Fiscal Recovery Fund under the 1st bucket as a response to COVID-19 (i.e., supports first-responders and public safety providers with wireless digital communications, thereby saving lives and maximizing effectiveness in both normal operations and emergent situations). Again, the project must otherwise meet the Final Rule's requirements for capital expenditures (described below). Specific authorization is provided by Treasury in funding the MARCS Project as an acquisition of emergency response equipment. (*Id.*)

As to plans by the County to hand-over the MARCS towers, once their purchase and installation is funded by the County's ARPA allocation, care must be taken in any disposition of those assets.

On July 27, 2022, the Treasury issued an updated Final Rule: FAQs, in which it specifically addressed the disposition requirements for assets purchased with the County's Local Fiscal Recovery Funds (see Item 13.16).

Given the County's intention to turn over the MARCS towers to the State of Ohio upon their installation, and provided that such installation and disposal occurs prior to December 31, 2026 (i.e., the ARPA period of performance), then the County "must follow the disposition procedures in the Uniform Guidance. See 2 CFR 200.311, 200.313, 200.314, and 200.315" (*Id.*)

In turn, the relevant provisions of the cited federal guidance state:

- 2 CFR 200.311:

(c) Disposition. When real property is no longer needed for the originally authorized purpose, the *non-Federal entity must obtain disposition instructions from the Federal awarding agency or pass-through entity*. The instructions must provide for one of the following alternatives:

(1) Retain title after compensating the Federal awarding agency. The amount paid to the Federal awarding agency will be computed by applying the Federal awarding agency's percentage of participation in the cost of the original purchase (and costs of any improvements) to the fair market value of the property. However, in those situations where the non-Federal entity is disposing of real property acquired or improved with a Federal award and acquiring replacement real property under the same Federal award, the net proceeds from the disposition may be used as an offset to the cost of the replacement property.

(2) Sell the property and compensate the Federal awarding agency. The amount due to the Federal awarding agency will be calculated by applying the Federal awarding agency's percentage of participation in the cost of the original purchase (and cost of any improvements) to the proceeds of the sale after deduction of any

actual and reasonable selling and fixing-up expenses. If the Federal award has not been closed out, the net proceeds from sale may be offset against the original cost of the property. When the non-Federal entity is directed to sell property, sales procedures must be followed that provide for competition to the extent practicable and result in the highest possible return.

(3) Transfer title to the Federal awarding agency or to a third party designated/approved by the Federal awarding agency. The non-Federal entity is entitled to be paid an amount calculated by applying the non-Federal entity's percentage of participation in the purchase of the real property (and cost of any improvements) to the current fair market value of the property.

- 2 CFR 200.313 (pertaining to equipment)

(e) Disposition. When original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, except as otherwise provided in Federal statutes, regulations, or Federal awarding agency disposition instructions, the non-Federal entity must request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award. Disposition of the equipment will be made as follows, in accordance with Federal awarding agency disposition instructions:

...

(3) The non-Federal entity may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the non-Federal entity must be entitled to compensation for its attributable percentage of the current fair market value of the property.

- 2 CFR 200.314 (pertaining to supplies; not relevant here)
- 2 CFR 200.315 (pertaining to intangible property; not relevant here)

We urge caution here, as prior authorization from the U.S. Treasury is required in such circumstances. Further, we strongly recommend the County collaborate closely with the State of Ohio, Office of Budget and Management, the Auditor of State, as well as the state agency or department having been identified by the County to maintain the MARCS towers, to ensure compliance with property disposal requirements under the federal Uniform Guidance, including the setting of any current fair market value of the property, and an attributable percentage to be paid to the County therefor.

Dispatch Center Project

Portions of the Dispatch Center Project are appropriate under the 1st bucket of use. To direct ARPA funds under the 1st bucket to cover the *entire* cost of the Dispatch Center's building expansion would not be appropriate. Rather, we advise the Commissioners to identify those portions of the planned build-out that are expanded / enhanced / spec'd-out for COVID mitigation and prevention. (See 31 CFR 35.6(b)(3)(i)(A))

We take this position because the Dispatch Center Project comprises a capital expenditure under the ARPA, and the Treasury takes the position that capital expenditures "are not presumed to be reasonably proportional responses" to harm caused by the pandemic, unless otherwise listed as appropriate (see U.S. Treasury, Final Rule, Supplementary Information, at page 57). And to that point, the Treasury lists equipment as a COVID-19 public health response that is *medical or emergency service-related* (*Id.* at page 61).

Law enforcement uses are not given as much leeway by Treasury. Namely, local government recipients are limited in the use of their Fiscal Recovery Funds under the 1st bucket as a response to the rise in gun violence; we have advised clients against using ARPA funds to offset large construction projects (e.g., jails) or to purchase large equipment items (e.g., mobile command and SWAT vehicles) in service to law enforcement as such purchases do not "respond to an identified impact of the COVID-19 public health emergency in a reasonably proportional manner" (see 31 CFR 35.6(b)(3)(i)(D); and see U.S. Treasury, Final Rule, Supplementary Information, at pages 70 – 72).

Rather, we advise the Commissioners to identify the rate (%) by which the Sheriff's dispatch center is expanded / enlarged beyond its current space *specifically to accommodate COVID-19-related concerns*, such as social distancing among staff and allow for enhanced efficiencies in the center's filing operations.

That rate, applied against the total cost incurred by the County to expand the space, would result in an attributable dollar amount that could be paid for with ARPA funds as part of the County's response to COVID-19. (See 31 CFR 35.6(b)(3)(i)(A): the County's response to the public health impacts of the pandemic may include "mitigation and prevention practices in congregate settings") This method of calculation would provide for a "reasonably proportional" response by the County to provide expanded and upgraded dispatcher work space and storage for its County operations.

The entirety of the newly purchased radio equipment would be an appropriate use of the County's Local Fiscal Recovery Fund under the 1st bucket of use analysis; new radio equipment as an acquisition of emergency response equipment. (See U.S. Treasury, Final Rule, Supplementary Information, at page 61)

Capital Expenditures under the 1st Bucket

If the County so chooses to fund any of the EOC Construction, MARCS, and Dispatch Center Projects under the 1st bucket, they each constitute capital expenditures, and are therefore subject to the Final Rule's heightened justification and reporting protocols.

Namely, the County must take certain steps, depending on how much of its Local Fiscal Recovery Funds it intends to deploy to the project:

- If a given project has total capital expenditures (by the County) of \$1 million or less (i.e., Treasury's "safe harbor"); the County must write-up sufficient supporting information (i.e., answer the two-part framework) for its audit file as to how and why the project is reasonably proportional to the pandemic's health impact and its mitigation. (Use this memorandum as the audit file insert in such instances.)
- If a given project has total capital expenditures (by the County) equal to or more than \$1 million: the County also must prepare a Written Justification as such (see 31 CFR 35.6(b)(4); see also U.S. Treasury, Final Rule, Supplementary Information, at page 194).

The Written Justification is comprised of (1) a description of the public harm to be addressed by the County's capital expenditures; (2) an explanation why the County's capital expenditures are appropriate to address that harm; and (3) a comparison against two alternative types of capital expenditures (see U.S. Treasury, Final Rule, Supplementary Information, at pages 196-198). This document must be either kept in the audit file (if County expenditures are less than \$10 million) or filed with the U.S. Treasury (if County expenditures are greater than \$10 million) (see 31 CFR 35.6(b)(4); see also U.S. Treasury, Final Rule, Supplementary Information, at pages 204 – 205).

Note that federal procurement rules apply.

3rd Bucket of Use

Alternatively, any one or all of the EOC Construction, MARCS, and Dispatch Center Projects could be funded under the 3rd bucket as a provision of government services to the extent of the County's reduction in revenue.

Recall that the third 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).

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

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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.

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;

* * * * *

RESOLUTION NO. 22-0568 - 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 COM04, 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 payroll software for Portage County (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

Exhibit A



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MEMORANDUM

TO: Allison Diehl, Grant Administrator, Portage County

DATE: June 13, 2022

RE: ARPA Use of Funds – Payroll Software

PROJECT DESCRIPTION:

Can Portage County use its Local Fiscal Recovery Funds to purchase payroll software to move to a digital system, as it is currently done via paper that is passed around the building?

BRICKER RESPONSE:

Eligible under the 1st bucket of use (as a response to COVID-19) to the extent the payroll software addresses administrative needs of Portage County that were caused or exacerbated by the pandemic. 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).

0866A

*1st Bucket Eligibility – Administrative Needs Caused or Exacerbated by the Pandemic**Two-part framework for determining eligible uses in response to COVID-19*

Under the 1st bucket (in response to COVID-19), to determine whether the payroll software purchase 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, and at page 194).

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 payroll software (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 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 37).

Second prong: Response is reasonably proportional to the harm

The County must show the purchase of new payroll software is a reasonably proportional in response to COVID-19's health impact on the County.

The Treasury views the purchase of technology infrastructure as "capital expenditures" under the Final Rule. Although the Treasury's general position is that capital expenditures are not presumed to be reasonably proportional responses to an identified harm, Treasury is maintaining in the Final Rule that capital expenditures such as technology infrastructure to adapt government operations to the pandemic (e.g., video-conferencing software, improvements to case management systems or data sharing resources), reduce government backlogs, or meet increased maintenance needs, are an eligible use of ARPA Funds (see U.S. Treasury, Final Rule, Supplementary Information, at page 190).

The County must adhere to the Final Rule's enhanced justification and reporting protocols for capital expenditures under the 1st bucket (as a response to COVID-19). So long as the payroll

software purchase amount is less than \$1 million, which is Treasury's "safe harbor," the County must only write-up sufficient supporting information (i.e., answer the two-part framework) for its audit file. (Use this memorandum as such an audit file insert for this purchase.)

3rd Bucket Eligibility – Provision of Government Services

Alternatively, the payroll 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, Final Rule: FAQs, as of April 27, 2022, Item 3.7).

Here, we note the payroll software purchase for the County's use would comprise government services under ARPA, as the software would be used by County workers in furtherance of government operations.

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 cost to purchase the payroll software. We now turn to a brief overview of such requirements.

Federal Procurement Law & Uniform Guidance

The County's purchases under ARPA's 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 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.

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: \$118,600; 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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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 Sarah Taylor, Public Information Officer, for Portage County Job & Family Services, effective end of business day September 9, 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 posting of the non-bargaining position, Public Information Officer for Portage County Job & Family Services, replacing Sarah Taylor. The position 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

3. Authorize the hire of Jennifer Christley, Social Services Worker 2, replacing Nickalaus Corpe, in the Portage County Department of Job & Family Services. The tentative start date is October 3, 2022. The Board of Commissioners agrees 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

4. Approve anniversary/probationary step increases for the following non-bargaining employees:

- a. Sarah Taylor, Public Information Officer (JFS) – Effective 8/22/2022;
- b. Shawn Kelly, Child and Adult Protective Services Supervisor (JFS) – Effective 9/5/2022;
- c. Dustin Dickerson, Training Specialist (JFS) – Effective 9/5/2022;
- d. Rebecca Brown, Paralegal (JFS) – Effective 9/19/2022.

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:

5. Direct the Auditor's Office to pay/process the September 1, 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		
County Funds: (0001 – 8399)		
Bill Payment and ACH list totaling:		
Bill Payment list	\$560,099.98	(Includes late fees of: \$0)
ACH/Neil Group of	\$0	
ACH Payment list totaling:	\$0	
Health Benefit Wire transfers totaling:		
Medical Mutual Admin of	\$0	
Medical Mutual Claims of	\$1,108,214.92	
Medical Mutual Flex Admin of	\$0	
Medical Mutual Flex Claims of	\$1,675.59	
Journal Vouchers totaling:	\$798,341.34	
Then and Now list totaling:	\$71,443.86	
Debt Service wire list:	\$0	
BWC Wires:	\$0	

6. Process the September 1, 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

7. The Board of Commissioners acknowledged receipt of the August 30, 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

8. The Board of Commissioners acknowledged receipt of the Amended Certificate of Estimated Resources Dated August 30, 2022, as presented by the Portage County Budget Commission.

Motion: Commissioner Badalamenti

Seconded: Commissioner Kline

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

Motion Carries

9. The Board of Commissioners acknowledged receipt of the Kennel Disposition Report and Intake Report for August 15, 2022 through August 28, 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

10. The Board of Commissioners acknowledged receipt of the September 2, 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

11. The Board of Commissioners approved the August 2022 adjustments to the Portage County Water, Portage County Sewer, and Streetsboro Sewer billing accounts as reported on the adjustment reports submitted 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

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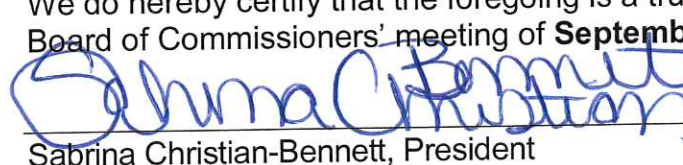
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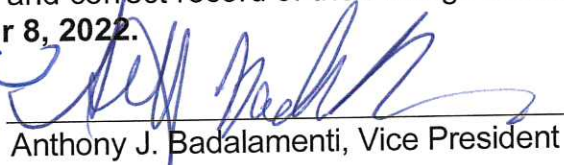
Motion: by Commissioner Christian-Bennett, seconded by Commissioner Kline that the Board adjourns the Meeting of **September 8, 2022, at 11:00 AM.**

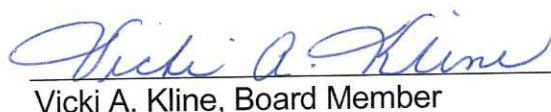
All in Favor: Commissioner Christian-Bennett, Yea; Commissioner Kline, Yea;
Commissioner Badalamenti, Yea;

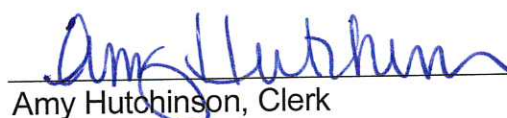
Motion Carries

We do hereby certify that the foregoing is a true and correct record of the Portage County Board of Commissioners' meeting of **September 8, 2022.**


Sabrina Christian-Bennett, President


Anthony J. Badalamenti, Vice President


Vicki A. Kline, Board Member


Amy Hutchinson, Clerk