

CONVENED: \_\_\_\_\_

ADJOURNED: \_\_\_\_\_

2018-08

**LAKE COUNTY COMMISSIONERS' MEETING**  
**March 1, 2018**  
**2:00 P.M.**

JOHN R. HAMERCHECK, PRESIDENT  
JERRY C. CIRINO, COMMISSIONER  
DANIEL P. TROY, COMMISSIONER

JASON BOYD, ADMINISTRATOR  
JENNIFER BELL, CLERK  
LEGAL COUNSEL

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- ROLL CALL
  - MINUTES OF MEETING: FEBRUARY 1, 2018 and FEBRUARY 7, 2018
  - PUBLIC COMMENT:
- 

**The Resolutions are in draft form until the meeting, therefore are subject to change without notice**

RESOLUTIONS:

UTILITIES DEPARTMENT – Randy Rothlisberger

1. RESOLUTION PROVIDING FOR \$600,000 NOTE RENEWAL FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES PROJECT 271-W(20180301\U01)(UT-15)

JOB AND FAMILY SERVICES DEPARTMENT – Matt Battiato

2. RESOLUTION APPROVING LAKE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES VOUCHERS DATE OF WARRANT MARCH 9, 2018, IN THE AMOUNT OF \$157,843.37(20180301\JFS01)(JFS-14)

COMMISSIONERS' OFFICE

3. TABLED 1/16/18  
RESOLUTION APPOINTING WALTER R. SIEGEL TO THE LAKE COUNTY OHIO PORT AND ECONOMIC DEVELOPMENT AUTHORITY BOARD OF DIRECTORS TO COMPLETE THE REMAINDER OF A TERM EXPIRING DECEMBER 31, 2020 (20180201\C01)(B-192)
4. RESOLUTION AUTHORIZING THE LAKE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT FOR EXCESS WORKERS' COMPENSATION AND EMPLOYER'S LIABILITY INSURANCE WITH USI INSURANCE SERVICES, AGENT FOR MIDWEST EMPLOYERS CASUALTY COMPANY, EFFECTIVE MARCH 1, 2018 THROUGH MARCH 1, 2020 (20180201\C02)(304-y)

FINANCE DEPARTMENT – Mike Matas

5. RESOLUTION APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$257,058.37(20180301\BC01)(C-111)
6. RESOLUTION TRANSFERRING CASH WITHIN VARIOUS GENERAL AND NON-GENERAL FUND ACCOUNTS (20180301\BC02)(C-111)
7. RESOLUTION APPROVING THE 2018 PERMANENT APPROPRIATION MEASURE FOR THE GENERAL FUND(20180301\BC03)(C-111)

8. RESOLUTION APPROVING THE 2018 PERMANENT APPROPRIATION MEASURE FOR FUNDS OUTSIDE THE GENERAL FUND(20180301\BC04)(C-111)

DEPARTMENTAL REPORTS

- UTILITIES
  - JOB AND FAMILY SERVICES
  - COUNTY ADMINISTRATOR
  - FINANCE
  - CLERK
  - LEGAL
- OLD BUSINESS
  - NEW BUSINESS
  - PUBLIC COMMENT

EXECUTIVE SESSION

- Legal: Pending Litigation
- Legal: Imminent Litigation

\_\_\_\_\_ MOTION TO CONVENE EXECUTIVE SESSION: \_\_\_\_\_ SECOND \_\_\_\_\_  
TIME

\_\_\_\_\_ RECESSED:

OPEN SESSION – COMMISSIONERS' OFFICE

9. RESOLUTION AUTHORIZING THE EMPLOYMENT AND COMPENSATION OF THOMAS MAYERNIK, ESQ. TO PROVIDE PROFESSIONAL LEGAL SERVICES AS REQUESTED BY THE LAKE COUNTY BOARD OF COMMISSIONERS (20180301\C03)(304-Y)
10. RESOLUTION AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT BY AND BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS AND DEBRA HERSHEY GUREN AND PETER GUREN (20180301\C04)(504-T)

\_\_\_\_\_ MOTION TO ADJOURN THE MEETING: \_\_\_\_\_ SECOND \_\_\_\_\_  
TIME

**\*NEXT REGULAR MEETING: 2:00 P.M., TUESDAY, MARCH 13, 2018\***

The Board of County Commissioners, in and for Lake County, Ohio, met this day in regular session with the following members present:

Commissioners: \*(com)

\* presented the following resolution and moved its adoption.

**RESOLUTION PROVIDING FOR \$600,000 NOTE RENEWAL FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES PROJECT 271-W**

WHEREAS, the Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board of County Commissioners, and that all the deliberations of this Board of County Commissioners and of its committees, if any, which resulted in formal actions, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code; and

WHEREAS, this County has heretofore issued notes for a portion of the purpose described in Section 1 hereof which notes are stated to mature on March 21, 2018 (the Outstanding Notes); and

WHEREAS, this Board has determined to retire the Outstanding Notes with the proceeds of the Notes authorized in Section 3 hereof and additional funds available to the County and appropriated for the purpose and to provide additional funds for the purpose described in Section 1; and

WHEREAS, the County Auditor as fiscal officer of this County has certified to this Board that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years and has certified the maximum maturity of the bonds and notes proposed to be issued.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Lake, Ohio, that:

Section 1. It is necessary to issue bonds of this County in the aggregate principal amount of not to exceed \$600,000 (the Bonds) to pay costs of the Lake County Department of Utilities Project 271-W.

Section 2. The Bonds shall be dated approximately March 1, 2019, shall bear interest at the now estimated rate of 4.75% per year, and are estimated to mature in 25 annual principal installments. The first principal installment is estimated to be December 1, 2019.

Section 3. It is necessary to issue and this Board determines that notes in the aggregate principal amount of not to exceed \$600,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall bear interest at a rate or rates not to exceed 4.75% per year (computed on a 360-day per year basis), payable at maturity or at any date of earlier prepayment as provided for in Section 5 of this resolution and until the principal amount is paid or payment is provided for. The principal amount of the Notes shall be the amount as determined by the County Auditor, the Budget/Finance Director or any member of this Board of County Commissioners in the certificate awarding the Notes in accordance with Section 6 of this resolution to be the amount necessary to pay costs of the improvements described in Section 1 hereof (including retiring the Outstanding Notes), after taking into account any other moneys available to the County and appropriated for those purposes. The rate or rates of interest on the Notes shall be determined by the County Auditor, the County Budget/Finance Director or any member of this Board in the certificate awarding the Notes in accordance with Section 6 of this resolution.

Section 4. The Notes shall be signed by at least two members of the Board of County Commissioners and by the County Auditor, in the name of the County and in their official capacities, provided that any or all of those signatures may be a facsimile. The Notes shall be issued only as fully registered notes and in the denominations and

numbers as requested by the original purchaser and approved by the County Auditor , the County Budget/Finance Director or any member of this Board, provided that the entire principal amount may be represented by a single note. The Notes shall not have coupons attached, shall be numbered as determined by the County Auditor, the County Budget/Finance Director or any member of this Board and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this resolution.

No Note shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under this resolution unless and until the certificate of authentication printed on the Note is signed by the Note Registrar as authenticating agent. Authentication by the Note Registrar shall be conclusive evidence that the Note so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, this resolution.

The County Auditor, the County Budget/Finance Director or any member of this Board is authorized to determine in the Certificate of Award the bank or trust company to act as authenticating agent, note registrar, transfer agent (the Note Registrar) and/or paying agent for the Notes after having determined that the payment at that bank or trust company will not endanger the funds or securities of the County and that proper procedures and safeguards are available for the purpose; provided, however, such official may determine in the Certificate of Award that the County Auditor shall act as Note Registrar and/or paying agent.

So long as any of the Notes remain outstanding, the County will cause the Note Registrar to maintain and keep at its office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the Note Register). The person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this resolution. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; the County and the Note Registrar shall not be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the County's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the office of the Note Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. Upon exchange or transfer, the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the principal amount of the Note or Notes surrendered and bearing interest at the same rate and maturing on the same date.

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

Notwithstanding any other provisions of this resolution, if it is determined by the County Auditor or any member of this Board to be advantageous to the County, the Notes shall be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this resolution:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (ii) physical Note certificates in fully registered form are issued by the County only to a Depository or its nominee as registered owner, with the Notes deposited and retained in the custody of the Depository or its agent. The book entry maintained by an entity other than the County is the record that identifies the owners of beneficial interests in those Notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Notes or the principal of and interest on Notes, and to effect transfers of Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single, fully registered Note registered in the name of the Depository or its nominee, as registered owner, and deposited and retained in the custody of the Depository or its agent; (ii) the beneficial owners in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the County.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the County Auditor may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the County Auditor does not or is unable to do so, the County Auditor, after making provisions for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause note certificates in registered form to be authenticated by the Note Registrar and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of County action or inaction, of those persons requesting such issuance.

Any member of the Board of County Commissioners, the County Budget/Finance Director or the County Auditor, are also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the County.

Section 5. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America if so requested by the original purchaser, and shall be payable, without deduction for services of the County's paying agent, upon presentation and surrender, at the office of the Note Registrar, to the persons in whose names the Notes are registered on the Note Register. The Notes shall be dated the date of issuance and shall mature not more than one year from the date of issuance as determined by the County Auditor, the County Budget/Finance Director or any member of this Board in the certificate of award after determining such maturity to be in the best interests and financial advantages of the County. If agreed to by the original purchaser, the Notes shall be prepayable without penalty or premium at the option of the County at any time prior to maturity as provided in this resolution. Prepayment prior to maturity shall be made by deposit with the Note Registrar of the principal amount of the Notes together with interest accrued thereon to the date of prepayment. The County's right of prepayment shall be exercised by mailing a notice of prepayment, stating the date of prepayment and the name and address of the Note Registrar, by certified or registered mail to the original purchaser of the Notes not less than seven days prior to the date of that deposit, unless that notice is waived by the original purchaser of the Notes. If money for prepayment is on deposit with the Note Registrar on the specified

prepayment date following the giving of that notice (unless the requirement of that notice is waived as stated above), interest on the principal amount prepaid shall cease to accrue on the prepayment date, and upon the request of the County Auditor, the original purchaser of the Notes shall arrange for the delivery of the Notes at the designated office of the Note Registrar for prepayment and surrender and cancellation.

Section 6. The Notes shall be awarded and sold at private sale to Stifel, Nicolaus & Company, Incorporated, Cleveland, Ohio (the original purchaser) as set forth in the certificate of award, at a purchase price of not less than par in accordance with law and the provisions of this resolution. The County Auditor, the County Budget/Finance Director or any member of this Board shall sign the certificate of award referred to in Sections 3 and 5, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The members of the Board of County Commissioners, the Clerk of this Board, the County Auditor, the County Budget/Finance Director and other County officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this resolution.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the County, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

Section 10. The County covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest on the Notes will not be treated as an item of tax preference under Section 57 of the Code.

The County further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The County Auditor, as the fiscal officer, or any other officer of the County having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the County with respect to the Notes as the County is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in

Section 148(f)(4)(C) of the Code or available under Section 148 of the Code or any declarations of official intent on behalf of the County in connection with any reimbursement expenditures, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments of penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the County, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the County, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

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

Section 12. This Board determines that all acts and conditions necessary to be done or performed by the County or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the County have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the County are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

BE IT FURTHER RESOLVED, that the Clerk of the Board is hereby directed to deliver a copy of this resolution to the County Auditor.

\*\* seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

"AYES": Commissioners: \*(com)

"NAYS":

Resolution adopted,  
Jennifer Bell, Clerk

CLERK'S CERTIFICATION

I, Jennifer Bell, the duly appointed Clerk of the Board of County Commissioners, do hereby certify that this is a true and accurate copy of a resolution adopted by said Board on March 1, 2018, and recorded in the Commissioners' Journal, Volume 2018.

WITNESS my hand this first day of March, 2018, in Painesville, Ohio.

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Jennifer Bell, Clerk  
Board of Commissioners, in and  
for Lake County, Ohio

The Board of County Commissioners, in and for Lake County, Ohio, met this day in regular session with the following members present:

Commissioners: \*(com)

\* presented the following resolution and moved its adoption.

**RESOLUTION APPROVING LAKE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES VOUCHERS DATE OF WARRANT MARCH 9, 2018, IN THE AMOUNT OF \$157,843.37**

WHEREAS, the Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board of County Commissioners, and that all the deliberations of this Board of County Commissioners and of its committees, if any, which resulted in formal actions, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code; and

WHEREAS, bills against Lake County have been presented to this Board for payment and this Board has examined said bills and approved them for payment, totaling **\$157,843.37**.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners, in and for Lake County, Ohio, hereby approves the bills against Lake County, they are allowed and ordered paid, and the County Auditor is hereby authorized and instructed to issue his warrants in the various amounts as follows:

DATE OF WARRANT:	March 9, 2018
PUBLIC ASSISTANCE TOTAL:	\$97,288.33
WORKFORCE INVESTMENT TOTAL:	54,187.55
CHILD SUPPORT ENFORCEMENT:	108.44
CHILD WELFARE TOTAL:	<u>6,259.05</u>
GRAND TOTAL:	<b>\$157,843.37</b>

BE IT FURTHER RESOLVED, that the Clerk of the Board is hereby directed to forward certified copies of this resolution to the Lake County Auditor; Budget Director; Lake County Treasurer; Matt Battiato, Mary Spencer, Job and Family Services.

\*\* seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

"AYES": Commissioners: \*(com)

"NAYS":

Resolution adopted,  
Jennifer Bell, Clerk

CLERK'S CERTIFICATION

I, Jennifer Bell, duly appointed Clerk of the Board of County Commissioners, do hereby certify that this is a true and accurate copy of a resolution adopted by said Board on March 1, 2018, and recorded in the Commissioners' Journal, Volume 2018.

WITNESS my hand this first day of March, 2018, in Painesville, Ohio.

\_\_\_\_\_  
Jennifer Bell, Clerk  
Board of Commissioners, in and  
for Lake County, Ohio



The Board of County Commissioners, in and for Lake County, Ohio, met this day in regular session with the following members present:

Commissioners: \*(com)

\* presented the following resolution and moved its adoption.

**RESOLUTION APPOINTING WALTER R. SIEGEL TO THE LAKE COUNTY OHIO PORT AND ECONOMIC DEVELOPMENT AUTHORITY BOARD OF DIRECTORS TO COMPLETE THE REMAINDER OF A TERM EXPIRING DECEMBER 31, 2020**

WHEREAS, the Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board of County Commissioners, and that all the deliberations of this Board of County Commissioners and of its committees, if any, which resulted in formal actions, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code; and

WHEREAS, by resolution dated February 22, 2007, the Lake County Board of Commissioners created a Lake County Ohio Port and Economic Development Authority governed by a Board of Directors to be appointed by subsequent action of the Board of Commissioners to staggered terms, commencing on the date of its creation and ending on various expiration dates; and

WHEREAS, on June 28, 2007 by resolution #20070628\C05, pursuant to Ohio Revised Code Section 4582.27, the Lake County Board of Commissioners appointed members to the Lake County Ohio Port and Economic Development Authority Board of Directors for staggered initial terms commencing February 22, 2007, the date of the creation of the Port Authority by the Board of Commissioners and upon expiration of said initial terms, subsequent appointments shall be for four (4) years; and

WHEREAS, a vacancy exists on the Lake County Ohio Port and Economic Development Authority Board of Directors and the Board of County Commissioners wishes to appoint Walter R. Siegel to the Lake County Ohio Port and Economic Development Authority Board of Directors for the remainder of a term previously held by Rita McMahon, expiring December 31, 2020.

NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners, in and for Lake County, Ohio, hereby appoints Walter R. Siegel to the Lake County Ohio Port and Economic Development Authority Board of Directors to complete the remainder of a term expiring December 31, 2020.

BE IT FURTHER RESOLVED, that the Clerk of the Board is hereby directed to forward certified copies of this resolution to Lake County Auditor; Lake County Ohio Port and Economic Development Authority; and to Walter R. Siegel, P.O. Box 65, Perry, Ohio 44081.

\*\* seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

"AYES": Commissioners: \*(com)

"NAYS":

Resolution adopted,  
Jennifer Bell, Clerk

CLERK'S CERTIFICATION

I, Jennifer Bell, duly appointed Clerk of the Board of County Commissioners, do hereby certify that this is a true and accurate copy of a resolution adopted by said Board on March 1, 2018, and recorded in the Commissioners' Journal, Volume 2018.

WITNESS my hand this first day of March, 2018, in Painesville, Ohio.

---

Jennifer Bell, Clerk  
Board of Commissioners, in and  
for Lake County, Ohio

Commissioners' Office, Lake County  
Painesville, OH, March 1, 2018

The Board of County Commissioners, in and for Lake County, Ohio, met this day in regular session with the following members present:

Commissioners: \*(com)

\* presented the following resolution and moved its adoption.

**RESOLUTION AUTHORIZING THE LAKE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT FOR EXCESS WORKERS' COMPENSATION AND EMPLOYER'S LIABILITY INSURANCE WITH USI INSURANCE SERVICES, AGENT FOR MIDWEST EMPLOYERS CASUALTY COMPANY, EFFECTIVE MARCH 1, 2018 THROUGH MARCH 1, 2020**

WHEREAS, the Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board of County Commissioners, and that all the deliberations of this Board of County Commissioners and of its committees, if any, which resulted in formal actions, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code; and

WHEREAS, the Lake County Administrative Services Director recommended that the Lake County Board of Commissioners obtain quotations for Excess Workers' Compensation and Employer's Liability Insurance for the Lake County Government Self-Insured Workers' Compensation program; and

WHEREAS, the County's Workers' Compensation program was reviewed by the Board and after said quotations were reviewed by Donald Voorhees of Compensable Benefits, LLC, the County's Workers' Compensation Consultant, it was recommended that the Board enter into an agreement for Excess Workers' Compensation and Employer's Liability Insurance with USI Insurance Services.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners, in and for Lake County, Ohio, hereby authorizes renewal of an Excess Workers' Compensation and Employer's Liability Insurance agreement with USI Insurance Services, agent for Midwest Employers Casualty Company, effective March 1, 2018 through March 1, 2020, at a rate of \$0.0891 per \$100.00 of payroll expenses.

BE IT FURTHER RESOLVED, that the Clerk of the Board is hereby directed to forward certified copies of this resolution to the Lake County Auditor; Administrative Services Director; Sue March, DD; Donald Voorhees, Compensable Benefits, 1422 Euclid Avenue, Suite #505, Cleveland, OH 44115; and to Gregory Spies, USI Insurance Services, 1301 East 9<sup>th</sup> Street, 38<sup>th</sup> Floor, Cleveland, Ohio 44114.

\*\* seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

"AYES": Commissioners: \*(com)

"NAYS":

Resolution adopted,  
Jennifer Bell, Clerk

CLERK'S CERTIFICATION

I, Jennifer Bell, duly appointed Clerk of the Board of County Commissioners, do hereby certify that this is a true and accurate copy of a resolution adopted by said Board on March 1, 2018, and recorded in the Commissioners' Journal, Volume 2018.

WITNESS my hand this first day of March, 2018, in Painesville, Ohio.

\_\_\_\_\_  
Jennifer Bell, Clerk  
Board of Commissioners, in and  
for Lake County, Ohio

Commissioners' Office, Lake County  
Painesville, OH, March 1, 2018

The Board of County Commissioners, in and for Lake County, Ohio, met this day in regular session with the following members present:

Commissioners: \*(com)

\* presented the following resolution and moved its adoption.

**RESOLUTION APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$257,058.37**

WHEREAS, the Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board of County Commissioners, and that all the deliberations of this Board of County Commissioners and of its committees, if any, which resulted in formal actions, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code; and

WHEREAS, purchase orders against Lake County have been presented to this Board for approval and this Board has examined said purchase orders and approves them.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, in and for Lake County, Ohio, that the purchase orders against Lake County are hereby approved and the County Auditor is hereby authorized and instructed to certify and encumber these purchase orders in varying amounts totaling \$257,058.37.

BE IT FURTHER RESOLVED, that the Clerk of the Board is hereby directed to forward certified copies of this resolution to the Lake County Auditor; Lake County Budget Director; and to the Lake County Treasurer.

\*\* seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

"AYES": Commissioners: \*(com)

"NAYS":

Resolution adopted,  
Jennifer Bell, Clerk

**CLERK'S CERTIFICATION**

I, Jennifer Bell, duly appointed Clerk of the Board of County Commissioners, do hereby certify that this is a true and accurate copy of a resolution adopted by said Board on March 1, 2018, and recorded in the Commissioners' Journal, Volume 2018.

WITNESS my hand this first day of March, 2018, in Painesville, Ohio.

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Jennifer Bell, Clerk  
Board of Commissioners, in and  
for Lake County, Ohio

The Board of County Commissioners, in and for Lake County, Ohio, met this day in regular session with the following members present:

Commissioners: \*(com)

\* presented the following resolution and moved its adoption.

**RESOLUTION TRANSFERRING CASH WITHIN VARIOUS GENERAL AND NON-GENERAL FUND ACCOUNTS**

WHEREAS, the Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board of County Commissioners, and that all the deliberations of this Board of County Commissioners and of its committees, if any, which resulted in formal actions, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code; and

WHEREAS, it is agreed by the Lake County Auditor, Budget Director and the Board of County Commissioners that this transfer of cash is necessary for the following accounts:

CASH TRANSFER

FROM:

11906911-934 NDTB – APC	\$8,500.00
11906911-935 NDTB - STC	\$3,000.00

TO:

00900045-451 TBB - TI	\$3,000.00
01400045-451 AP - TI	\$8,500.00

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners, in and for Lake County, Ohio, hereby authorizes the Lake County Auditor to transfer cash and appropriations for the above listed accounts, based on the recommendation of the Lake County Auditor, Budget Director and the Board of Lake County Commissioners.

BE IT FURTHER RESOLVED, that the Clerk of the Board is hereby directed to forward certified copies of this resolution to the Lake County Auditor; Lake County Budget Director and Health District.

\*\* seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

"AYES": Commissioners: \*(com)

"NAYS":

Resolution adopted,  
Jennifer Bell, Clerk

CLERK'S CERTIFICATION

I, Jennifer Bell, duly appointed Clerk of the Board of County Commissioners, do hereby certify that this is a true and accurate copy of a resolution adopted by said Board on March 1, 2018, and recorded in the Commissioners' Journal, Volume 2018.

WITNESS my hand this first day of March, 2018, in Painesville, Ohio.

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Jennifer Bell, Clerk  
Board of Commissioners, in and  
for Lake County, Ohio

Commissioners' Office, Lake County  
Painesville, OH, March 1, 2018

The Board of County Commissioners, in and for Lake County, Ohio, met this day in regular session with the following members present:

Commissioners: \*(com)

\* presented the following resolution and moved its adoption.

**RESOLUTION AUTHORIZING THE EMPLOYMENT AND COMPENSATION OF THOMAS MAYERNIK, ESQ. TO PROVIDE PROFESSIONAL LEGAL SERVICES AS REQUESTED BY THE LAKE COUNTY BOARD OF COMMISSIONERS**

WHEREAS, the Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board of County Commissioners, and that all the deliberations of this Board of County Commissioners and of its committees, if any, which resulted in formal actions, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code; and

WHEREAS, it is the recommendation of the Director of Administrative Services for the County to employ Thomas Mayernik, Esq. pursuant to ORC 309.09(C), to provide professional legal services. The amount of compensation for such legal services shall not exceed the total annual compensation of the Lake County Prosecutor. The hourly rate and scope of services shall be set forth in an engagement letter.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners, in and for Lake County, Ohio, hereby authorizes the employment of Thomas Mayernik, Esq. to provide professional legal services.

BE IT FURTHER RESOLVED, that the Clerk of the Board is hereby directed to forward certified copies of this resolution to the Lake County Auditor; Budget Director; Jason W. Boyd, Administrator; Joel DiMare, Director of Administrative Services; Prosecutor's Office; and to Thomas Mayernik, Esq., 8754 Mentor Avenue, Mentor, Ohio 44060.

\*\* seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

"AYES": Commissioners: \*(com)

"NAYS":

Resolution adopted,  
Jennifer Bell, Clerk

CLERK'S CERTIFICATION

I, Jennifer Bell, duly appointed Clerk of the Board of County Commissioners, do hereby certify that this is a true and accurate copy of a resolution adopted by said Board on March 1, 2018, and recorded in the Commissioners' Journal, Volume 2018.

WITNESS my hand this first day of March, 2018, in Painesville, Ohio.

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Jennifer Bell, Clerk  
Board of Commissioners, in and  
for Lake County, Ohio

The Board of County Commissioners, in and for Lake County, Ohio, met this day in regular session with the following members present:

Commissioners: \*(com)

\* presented the following resolution and moved its adoption.

**RESOLUTION AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT BY AND BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS AND DEBRA HERSHEY GUREN AND PETER GUREN**

WHEREAS, the Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board of County Commissioners, and that all the deliberations of this Board of County Commissioners and of its committees, if any, which resulted in formal actions, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code; and

WHEREAS, a dispute exists amongst the Parties in connection with the release of fuel from an underground storage tank owned by the Board of County Commissioners and operated by the Lake County Emergency Management Agency onto property owned by the Releasing Parties located at 8710 Hunting Hills Drive, Kirtland, Ohio (the "Property"), which occurred on or about November 24, 2016; and

WHEREAS, Releasing Parties have claims against the Board of County Commissioners arising out of this fuel spill, which include but are not limited to claims for property damage and diminution to the value to their Property as well as claims for nuisance and/or trespass; and

WHEREAS, the parties jointly desire to settle the aforementioned dispute pursuant to the terms of the settlement agreement hereby incorporated and made part of this resolution by reference; and

WHEREAS, the Board of County Commissioners negotiated a fair and amicable settlement with Mr. and Mrs. Guren to resolve the matter.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners, in and for Lake County, Ohio, hereby authorizes execution of a settlement agreement by and between the Board and Mr. and Mrs. Guren to resolve the dispute involving cost-recovery services associated with a hazardous materials spill that occurred at the Metal Seal Precision factory located at 7333 Corporate Blvd in Mentor, Ohio. Said agreement is hereby incorporated herein and made part of this resolution by reference.

BE IT FURTHER RESOLVED, that the Clerk of the Board is hereby directed to forward certified copies of this resolution to the Lake County Auditor; Lake County Budget Director; Lake County Prosecutor's Office; the Lake County Emergency Management Agency Director Larry Greene; and to Mrs. and Mrs. Guren, 8710 Hunting Hills Drive, Kirtland, Ohio 44094.

\*\* seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

"AYES": Commissioners: \*(com)

"NAYS":

Resolution adopted,  
Jennifer Bell, Clerk

CLERK'S CERTIFICATION

I, Jennifer Bell, duly appointed Clerk of the Board of County Commissioners, do hereby certify that this is a true and accurate copy of a resolution adopted by said Board on March 1, 2018, and recorded in the Commissioners' Journal, Volume 2018.

WITNESS my hand this first day of March, 2018, in Painesville, Ohio.

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Jennifer Bell, Clerk  
Board of Commissioners, in and  
for Lake County, Ohio