

MINUTES OF MEETING HELD FEBRUARY 23, 2010

At a special meeting of the Board of Trustees of the ABC Water & Storm Water District, Mahoning County, Ohio, held on the above date at 1:00 p.m., the following members were present: Mr. Michael Dockry, Mr. Daniel V. Bienko, and Mr. Jason Loree. The public and news media were given proper notice regarding this meeting.

Mr. Dockry, acting as Chair pro-tem, called for nominations for Chair of the Board of Trustees for the year 2010.

Mr. Loree nominated Mr. Bienko as Chair of the Board of Trustees for the year 2010.

Mr. Dockry seconded the nomination of Mr. Bienko as Chair of the Board of Trustees for the year 2010.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

RESOLUTION 10-02-23-01: Mr. Loree, Chair pro-tem, declared Mr. Bienko duly elected Chair of the Board of Trustees for the year 2010.

Mr. Bienko, Chair, nominated Mr. Loree as Vice Chair and Stephanie Landers as Secretary of the Board of Trustees for the year 2010.

Mr. Dockry seconded the nomination of Mr. Loree as the Vice Chair and Ms. Landers as Secretary of the Board of Trustees for the year 2010.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

RESOLUTION 10-02-23-02: Mr. Bienko, Chair, declared Mr. Loree duly elected as Vice-Chair of the Board of Trustees and Ms. Landers as Secretary of the Board of Trustees for the year 2010.

RESOLUTION 10-02-23-03: Mr. Bienko revised the Vice-Chair and Secretary motion and moved that Mr. Dockry is Vice Chair and Mr. Loree is Secretary with Ms. Landers as Mr. Loree's assistant.

Mr. Dockry seconded the motion.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

MINUTES OF MEETING HELD FEBRUARY 23, 2010

Mr. John Albers and Mr. Eric Luckage from Albers and Albers explained the contents of the notebooks they distributed to the Board and gave an overview of ORC 6119. In addition, they explained that funding of the Board can be accomplished three ways: all three entities can provide seed money; a loan can be drawn up using funds from the Ohio Water Development Authority but then a Planning Assessment would have to take place; and / or a fee can be initiated in the storm water district. In this case, a loan can be taken from OWDA with the proceeds of that loan being repaid from the fee. Discussion ensued regarding the amount of the fee and its collection; the authority that the Board has in regards to projects, easements, etc.; pay for official meetings; and using outside accounting, legal and engineering firms.

The scope of the District's functions and discussions with other political subdivisions was also discussed. Each trustee is planning to go back to their respective Boards and request a priority list of projects. This list will allow the ABC Water and Storm Water District Board to start to prioritize projects that are needed throughout the Austintown, Boardman, and Canfield region.

Discussion then ensued regarding insurance and the selection of a bank depository along with the scheduling of future meetings and the public records law.

RESOLUTION 10-02-23-04: Mr. Dockry moved that the next special meeting of the Board take place on Wednesday, March 31, 2010, at 1:00 p.m. at Boardman Township's Meeting Room.


Seconded by Mr. Bienko.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

RESOLUTION 10-02-23-05: Motion was made by Mr. Dockry to adjourn at 3:10 p.m.

Seconded by Mr. Loree.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	


Daniel V. Bienko
President


Jason Loree
Secretary

MINUTES OF MEETING HELD MARCH 31, 2010

At a special meeting of the Board of Trustees of the ABC Water & Storm Water District, Mahoning County, Ohio, held on the above date at 1:00 p.m., the following members were present: Mr. Michael Dockry, Mr. Daniel V. Bienko, and Mr. Jason Loree. The public and news media were given proper notice regarding this meeting.

RESOLUTION 10-03-31-01: Motion was made by Mr. Bienko to rescind Resolution #10-02-23-01 and duly elect Mr. Bienko as President of the Board of Trustees for 2010.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

RESOLUTION 10-03-31-02: Motion was made by Mr. Bienko to approve the Minutes of the Special Meeting held February 23, 2010.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

RESOLUTION 10-03-31-03: Motion was made by Mr. Bienko to adopt the Resolution in accordance with Section 121.22(F) of the Ohio Revised Code and as attached to the minutes herein, the Resolution notifying the public and news media of Regular, Special, and Emergency meetings.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

RESOLUTION 10-03-31-04: Motion was made by Mr. Bienko to adopt the House Bill 9 Resolution, as attached to the minutes herein, the amended various provisions of Ohio's Public Records Act.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

MINUTES OF MEETING HELD MARCH 31, 2010

RESOLUTION 10-03-31-05: Motion was made by Mr. Bienko to adopt the by-laws for ABC Water and Storm Water District as attached herein to the minutes.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

RESOLUTION 10-03-31-06: Motion was made by Mr. Bienko to appoint the law firm of Albers & Albers as legal counsel for the ABC Water and Storm Water District as attached to the minutes herein.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

Under Old Business, the chart was reviewed and approved for use with updates to be made, as needed. Errors and Omissions Insurance was discussed and tabled for the next meeting. The Bank Depository was also discussed briefly and tabled for the next meeting.

Under New Business, the following resolutions were adopted:

RESOLUTION 10-03-31-07: Motion was made by Mr. Bienko to adopt the mission statement attached herein to these minutes.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

RESOLUTION 10-03-31-08: Motion was made by Mr. Bienko to adopt the Rules and Common Language record as attached herein to the minutes.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

MINUTES OF MEETING HELD MARCH 31, 2010

Mr. Bienko stated that he has sent an email to Mr. Justin Rogers of Mill Creek Park to discuss the goals of Mill Creek Park.

Discussion ensued regarding various funding options and the defining purpose of this Board. This discussion will be continued at the next meeting.

RESOLUTION 10-03-31-10: Motion was made by Mr. Bienko to adjourn into Executive Session at 2:32 p.m. for purposes of discussing **Personnel** (employment).
Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

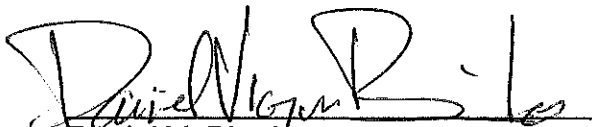
RESOLUTION 10-03-31-11: Motion was made by Mr. Bienko to adjourn Executive Session at 3:32 p.m. and return to Open Session.
Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

No formal business was conducted by the Board from executive session.

RESOLUTION 10-03-31-12: Motion was made by Mr. Bienko to adjourn at 3:33 p.m.
Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	


Daniel V. Bienko
President


Jason Loree
Secretary

**ABC Water and Storm Water District
Mahoning County, Ohio**

RESOLUTION NO. 10-03-31-03

The Board of Trustees of the ABC Water and Storm Water District, Mahoning County, Ohio, met in special session, pursuant to notice on the 31st of March 2010 at 1:00 p.m. at the Boardman Township Government Center, 8299 Market Street, Boardman, Ohio, 44512, with the following members present: Daniel V. Bienko, Michael Dockry, and Jason Loree.

Mr. Daniel Bienko moved to adopt the following Resolution:

BE IT RESOLVED by the Board of Trustees as follows:

1. The Board of Trustees of the ABC Water and Storm Water District, Mahoning County, Ohio, in compliance with RC 121.22(F), hereby the following method whereby any person may determine the date, time and place of regular meetings and the date, time, place and purposes of special meetings of the Board, and whereby the news media may be notified of the date, time, place, and purposes of special and emergency meetings of the Board.
 - a. **Regular Meetings:** Until further notice, regular meetings of the Board will be held on 4/22, 5/27, 6/24, 8/26, 9/23, 10/28, 11/18, and 12/16 for the remainder of 2010 at 1:00 p.m. Unless otherwise provided, all meetings will be held at 8299 Market Street, Boardman, Ohio, 44512. The Secretary shall give notice of regular meetings by posting a notice on the Boardman Township website, the Boardman Township bulletin board, and through notification of the media. Statements of the date, time, and place of all regular meetings shall be posted by the Secretary not later than one week prior to all said meetings. If the date, time, or location of a regular meeting is changed, notice of the change shall be posted as provided in this section at least one day prior to the meeting.
 - b. **Special and Emergency Meetings:** Special meetings of the Board will be held at the call of the Board. The call for a special meeting shall specify the date, time, location and purposes of the meeting. Unless otherwise provided, special meetings will be held at the same location as regular meetings. The Secretary shall give notice of the date, time, location and purposes of the special meetings other than an emergency meeting by posting in the same location(s) as provided for posting notice of regular meetings. Notice shall be posted as far in advance of the meeting as practicable, but not less than twenty-four hours prior to the meeting. If there is sufficient time to provide twenty-four hours' notice, the Secretary shall give notice of an emergency meeting in the same manner as notice of a non-emergency special meeting. Otherwise, notice of an emergency meeting is not required, except as provided in Section c. below.
 - c. **Notice To News Media of Special and Emergency Meetings:** News media who have requested notice of special meetings shall be individually notified by the Secretary of the date, time, location and purposes of any such meeting at least twenty-four hours in advance of the meeting. If the meeting is an emergency meeting, the member or members calling it shall immediately notify the media who have requested notification of the date, time, location, and purposes of the meeting.

- d. **Notice of Meetings to Discuss Particular Business:** The Secretary shall give reasonable advance notice of any regular or special meeting at which a particular type of public business is to be discussed, to any person who has requested such notice. If time permits, such notice shall be by mail. Otherwise, telephone or email notice shall be given. A request for notice shall be in writing, shall state the requestor's name, address, telephone number, email address, and the nature of the public business in which the requestor has a particular interest and desires notice. In addition, the requestor shall furnish the Secretary with a supply of stamped, self-addressed envelopes for mailing notice. Any such request shall remain in force for three (3) months.
- e. **Special Notice Required by Law:** When a particular form or method of notice is required by statute for a public hearing or meeting of the Board, notice of the hearing or meeting shall be given in the form and manner prescribed by statute, in addition to notice otherwise required under this Resolution.

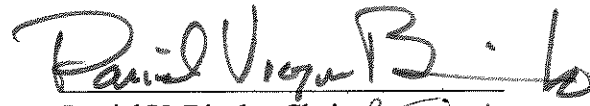
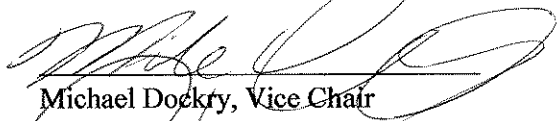
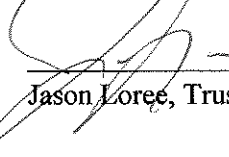
2. That it is found and determined that all formal actions of this Board concerning and relating to the passage of this resolution were passed in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Mr. Mike Dockry moved to second the motion.

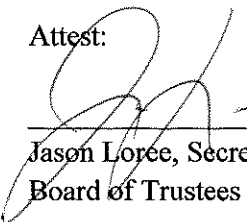
Roll Call:

	Aye	Nay
Jason Loree	<u>X</u>	_____
Michael Dockry	<u>X</u>	_____
Daniel V. Bienko	<u>X</u>	_____

Adopted this 31st day of March, 2010.


 Daniel V. Bienko, ~~Chair~~ *President*

 Michael Dockry, Vice Chair

 Jason Loree, Trustee

Attest:



 Jason Loree, Secretary
 Board of Trustees

ABC Water & Storm Water District
Public Records Policy
Resolution # 10-03-31-04

Introduction:

It is the policy of the ABC Water & Storm Water District that openness leads to a better informed citizenry, which leads to better government and better public policy. Thus, it is the policy of the ABC Water & Storm Water District to strictly adhere to the state's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing. **This policy is not intended to be legal advice.**

Section 1. Public Records

The ABC Water & Storm Water District, in accordance with the Ohio Revised Code, defines records as including the following: Any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of the District that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the District. The District is not required to create new records to respond to a public records request, even if it is only a matter of compiling information from existing records. All records of the District are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Section 1.1 Available for Inspection

It is the policy of the ABC Water & Storm Water District that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section 4 for the e-mail record policy). Record retention schedules are to be updated regularly and posted prominently.

Section 1.2 Exemptions to Public Records Law

Generally, the confidential nature of certain types of information or records precludes their release. Federal and state law provides numerous exceptions to the general rule that disclosure of public records is mandatory. However, most of the exceptions do not, by themselves, prohibit the release of the prescribed records. Rather, these records merely are excluded from the general rule of mandatory disclosure.

In the event a request is made to inspect or obtain a copy of a record maintained by the District whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to the our legal counsel for research and/or review. The requester shall be advised that their request is being reviewed by our legal counsel to ensure that protected exempted information is not improperly released.

Section 2 Record requests

Each request for public records should be evaluated for a response using the following guidelines:

Section 2.1 Identification of Public Record

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the District to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the District keeps its records.

Section 2.2 Format of Request

The District or the person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but only after all of the following occur:

- Disclosure to the requester that a written request is not mandatory;
- Disclosure to the requester that the requester may decline to reveal the requester's identity or intended use;
- Determination by the District that a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability to identify, locate, or deliver the public records sought by the requester.

Section 2.3 Choices of Medium

Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. The requester can choose to have the record (1) on paper, (2) in the same form as the District keeps it, or (3) on any medium upon which the District determines the record can "reasonably be duplicated as an integral part of the normal operations of the District." Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

Section 2.4 Response Time to Requests

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows.

All requests for public records must either be satisfied (see Section 2.4) or be acknowledged in writing by the District within three business days following the District's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:

Section 2.4a – An estimated number of business days it will take to satisfy the request.

Section 2.4b – An estimated cost if copies are requested.

Section 2.4c – Any items within the request that may be exempt from disclosure.

Section 2.5 Prohibition Against Requesters Right to Make Copies Themselves

A requester seeking copies of public records is not permitted to make their own copies of the requested records by any means. This measure is to protect the integrity of the original document.

Section 2.6 Limit to Number of Request by Mail

The District may limit the number of records requested by a person that the District will transmit by United States mail to ten per month, unless the person certifies to the District in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes.

Section 2.7 Requests by Incarcerated Persons

Under Ohio law, an incarcerated person may receive public records, but only if the records concern a criminal investigation. The incarcerated person must follow very strict guidelines.

- The records must be "public records" which are not subject to an exemption from disclosure.
- The incarcerated person must have secured a finding from the judge who imposed the sentence of incarceration (or that judge's successor) that the information sought in the public record is necessary to support a justifiable claim of the person.

Courts have denied the public records requests of inmates because this procedure was not followed.

Section 3 Denial of Public Record Requests

Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority. Further, if the initial request was provided in writing, than the explanation shall be provided to the requester in writing.

Section 3.1 Denial of an Ambiguous or Overly Broad Request for Public Record

If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies of inspection of public records such that the District cannot reasonably identify what public records are being requested:

- The District may deny the request
- However, the District shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained in the ordinary course of business.

Section 3.2 Denial of a Public Information Record Not Maintained by the District

If the District receives a request for a record that it does not maintain or the request is for a record which is no longer maintained, the requester shall be so notified in writing utilizing Form PR-1.

Section 3.3 Denial of a Public Record Maintained by the District

The District may deny a request for a record maintained by the District if the record that is requested is prohibited from release due to applicable state and federal law.

- If the record request is denied in its entirety:
 - The District may check the appropriate box on Form PR-1 if the employee is simply applying the statutory exclusion.
 - The District shall consult legal counsel if the employee is unsure if the record requested is exempt from disclosure.
- If only part of the record is not subject to release, the District will redact such information and release the non-exempted information:
 - "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record".
 - The District will check the appropriate box on Form PR-1 and cite the exemption from Appendix A, B, or C with the corresponding redaction.
 - The District shall consult legal counsel if the employee is unsure if a part of the record requested is exempt from disclosure.

Section 4 Costs for Public Records

Those seeking public records will be charged only the actual costs of reproduction. Employee time will not be calculated into the "actual cost" charge. The District may require a requester to pay in advance the cost involved in providing the copy of the public record, as requested.

Section 4.1 The charge for paper copies is 5 cents per page.

Section 4.2 The charge for downloaded computer files to a compact disc is \$1 per disc.

Section 4.3 There is no charge for documents e-mailed.

Section 4.4

Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

Section 5 E-mail

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the District. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

Section 5.1 Public Email Accounts

- Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the District are instructed to retain their e-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the District's records custodian.
- The records custodian is to treat the e-mails from private accounts as records of the District, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

Section 5.2 Private Email Accounts

- Records in private email accounts used to conduct public business on public property may be subject to disclosure, and all officials, employees, or other representatives of the District are instructed to retain such private emails only if they relate to public business.
- Such emails from private accounts should be treated as records of the District, retaining them per established schedules, and making them available for inspection and copying in accordance with the Public Records Act.

Section 6 Failure to respond to a public records request

The District recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the District's failure to comply with a request may result in a court ordering the District to comply with the law and to pay the requester attorney's fees and damages.

This public records policy shall remain in effect until such time that it is revised or rescinded in writing.

BYLAWS OF THE ABC WATER and STORM WATER DISTRICT

ARTICLE 1. NAME

The name of this District shall be the ABC Water and Storm Water District.

ARTICLE 2. OFFICES

SECTION 1. PRINCIPAL OFFICE

The principal office for the transaction of business of the ABC Water and Storm Water District is 8299 Market Street, Boardman, Ohio, 44512.

SECTION 2. OTHER OFFICES

The ABC Water and Storm Water District may also have offices at such other locations as its business requires and as the Board of Trustees designates.

ARTICLE 3. OBJECTIVES AND PURPOSES

SECTION 1. PRIMARY PURPOSES

The primary purposes of the ABC Water and Storm Water District shall be to do and perform all actions authorized and required under Ohio law, including Ohio Revised Code Chapter 6119.

SECTION 2. NON-DISCRIMINATION

In all the ABC Water and Storm Water District policies or procedures and their application, the ABC Water and Storm Water District is prohibited from discriminating with regard to race, color, religion, age, sex, sexual orientation, national origin, or sensory or physical handicap.

ARTICLE 4. MEMBERS

SECTION 1. APPOINTMENT TO BOARD OF TRUSTEES

Persons shall be appointed to the Board of Trustees of the ABC Water and Storm Water District according to the terms of the Petition to establish the District, and according to the terms of any amendments of such Petition which may occur in the future. All persons so appointed shall become Board members of the ABC Water and Storm Water District, whether said appointment is to a position on the first Board, or whether said

appointment is to fill the unexpired term of a Board member, or whether said appointment is to fill a Board position upon expiration of the regular term of a Board member.

SECTION 2. TERMS OF OFFICE

Each member of said Board, during the regular term, shall serve a term of three years, or until a successor is appointed and qualified. The terms of office for the first Board of Trustees shall be as follows:

- Board Member #1: Michael Dockry
Term of office: One Year - (1/1/2010 to 12/31/2010)

- Board Member #2: Jason Loree
Term of office: Two Year - (1/1/2010 to 12/31/2011)

- Board Member #3: Daniel Bienko
Term of office: Three Year - (1/1/2010 to 12/31/2012)

SECTION 3. UNEXPIRED TERMS; REAPPOINTMENT

In the event of the appointment of a new Board member to fill a vacancy occurring prior to the expiration of the term of office of a Board member, such successor shall be appointed for the remainder of the term of his predecessor. Upon the expiration of the term of office of any member, the successor shall be appointed and serve a regular term of three (3) years. Nothing herein contained shall in any way limit or restrict the power of the appointing entity to reappoint Board members to successive terms of office on the Board of the ABC Water and Storm Water District. A Board member shall continue in office until his successor takes office following the completion of his term. Pursuant to the Petition of the District, should the Township Trustees fail to appoint a successor within three (3) months of a resignation or an expiration, the District Board of Trustees, by a majority vote, shall have the duty and responsibility of selecting and appointing a replacement for any Board Member who has so resigned or whose term of office has expired.

SECTION 4. VACANCY

Upon the death, disability, removal or resignation of any Board member, a vacancy shall be created on the Board, which vacancy shall be filled as set forth above. Any Board member may resign at any time by notice in writing delivered to the appointing entity by whom said Board member was appointed and to the President of the Board of Trustees of the ABC Water and Storm Water District. The resignation of a Board member shall constitute resignation by such person as a Board member and as an officer of said Board.

ARTICLE 5. POWERS AND DUTIES OF THE BOARD OF TRUSTEES

SECTION 1. POWERS OF DISTRICT BOARD

The ABC Water and Storm Water District is empowered to continue as a political subdivision of the State of Ohio with all powers as provided in Chapter 6119 of the Ohio Revised Code. The Board of Trustees of the ABC Water and Storm Water District is empowered to act on behalf of said District, and do all things necessary and proper under Ohio law to effectuate the purposes of said District. Nothing contained in these Bylaws shall act to restrict or limit in any manner the powers of said Board of Trustees.

SECTION 2. UNEXCUSED ABSENCES, REMOVAL

Board members shall serve their terms of office unless they resign from said position or their term of office expires. However, a Board Member may be dismissed and removed from said Board only in accordance with R.C. 6119.071.

In the event of removal, the appointing entity shall promptly select and appoint a Board member to fill the unexpired term of office of his predecessor.

SECTION 3. DUTIES

It shall be the duty of the Trustees to:

- (a) Perform any and all duties imposed on them collectively or individually by law or by these Bylaws.
- (b) Appoint and remove, employ and discharge, and, except as otherwise provided in these Bylaws, prescribe the duties and fix the compensation, if any, of all officers, agents and employees of the ABC Water and Storm Water District.
- (c) Supervise any and all employees to assure that the duties of any given position are performed properly.
- (d) Meet at such times and places as required by these Bylaws.
- (e) Register their addresses, telephone and facsimile numbers and e-mail addresses with the Secretary of the ABC Water and Storm Water District. Notices of meeting mailed, sent via facsimile or e-mail to them at such addresses shall be valid notices thereof.
- (f) Perform such other duties as set by the Board of Trustees.

SECTION 4. NON-LIABILITY OF TRUSTEES

The Trustees shall not be personally liable for the debts, liabilities, or other obligations of the ABC Water and Storm Water District.

ARTICLE 6. INDEMNIFICATION

SECTION 1. INDEMNIFICATION

The ABC Water and Storm Water District shall indemnify any person who was or is a party, or is threatened to be made a party, to any threatened, pending or completed action, suit or proceedings, whether civil, criminal, administrative, or investigative (other than an action threatened or instituted directly by the ABC Water and Storm Water District) by reason of the fact that he or she is or was a trustee, officer, employee, or agent of the ABC Water and Storm Water District, or is or was serving at the request of the ABC Water and Storm Water District as a Trustee, officer, employee or agent of another corporation, partnership, association, trust, or other enterprise, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit or proceeding, if he or she acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interests of the ABC Water and Storm Water District, and with respect to any criminal action or proceeding by judgment, order, settlement, or conviction, or upon a plea of no contest or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the ABC Water and Storm Water District, and with respect to any criminal action or proceeding, he or she had reasonable cause to believe that his or her conduct was unlawful.

SECTION 2. DISCRETIONARY INDEMNIFICATION

The ABC Water and Storm Water District may indemnify or agree to indemnify any person who was or is a party, or is threatened to be made a party, to any threatened, pending, or completed action or suit which is threatened or instituted by the ABC Water and Storm Water District direct (rather than a derivative action in the right of the ABC Water and Storm Water District) to procure a judgment in its favor by reason of the fact that he or she is or was a Trustee, officer, employee, or agent of the ABC Water and Storm Water District, or is or was serving at the request of the ABC Water and Storm Water District as a Trustee, officer, employee, or agent of another corporation, partnership, association, trust, or other enterprise, against expenses (including attorneys' fees) actually and reasonably incurred by him or her in connection with such action or suit if he or she acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interests of the ABC Water and Storm Water District, except that no such indemnification shall be made in respect of any

claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his or her duty to the ABC Water and Storm Water District unless and only to the extent that the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability, but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses as such Court of Common Pleas or such other court shall deem proper.

SECTION 3. INDEMNIFICATION FOR EXPENSES

To the extent that a Trustee, officer, employee or agent has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in Section 2 hereof, or in defense of any claim, issue, or matter therein, he or she shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him or her in connection therewith.

SECTION 4. DETERMINATION REQUIRED

Any indemnification under Section 1 and 2 hereof (unless ordered by a court) shall be made by the ABC Water and Storm Water District only upon a determination that the indemnification of the Trustee, officer, employee or agent is proper in the circumstances because he or she has met the applicable standard of conduct set forth in Section 1 and 2 hereof. Such determination shall be made (a) by the Board of Trustees by a majority vote of a quorum consisting of Trustees who were not and are not parties to such action, suit or proceeding, or (b) if such quorum is not obtainable or if a majority of a quorum of disinterested Trustees so directs, in a written opinion by independent legal counsel. Any determination made by the disinterested Trustees or by independent legal counsel under this Section 4 to provide indemnity under Section 1 hereof to a person threatened or sued in the right of the ABC Water and Storm Water District (derivatively) shall be promptly communicated to the person who threatened or brought the derivative action or suit in the right of the ABC Water and Storm Water District, and such person shall have the right, within 10 days after receipt of such notification, to petition the court in which action or suit was brought to review the reasonableness of such determination.

SECTION 5. ADVANCE FOR EXPENSES

Expenses (including attorneys' fees) incurred in defending any civil or criminal action, suit or proceeding referred to in Section 1 and 2 hereof may be paid by the ABC Water and Storm Water District in advance of the final disposition of such action, suit or proceeding as authorized by the trustees in the specific case upon receipt of an undertaking by or on behalf of the Trustee, officer, employee or agent to repay such amount, unless it shall ultimately be determined that he or she is entitled to be

indemnified by the ABC Water and Storm Water District as authorized in this Article 6.

SECTION 6. ARTICLE SIX NOT EXCLUSIVE

The indemnification provided by the Article 6 shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under the Bylaws, or any agreement, vote of disinterested Trustees, or otherwise, both as to action in his or her official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a Trustee, officer, employee or agent and shall inure to the benefits of the heirs, executors, and administrators of such a person.

SECTION 7. INSURANCE FOR DISTRICT AGENTS

The Board of Trustees may authorize the purchase and maintenance of insurance on behalf of any agent of the ABC Water and Storm Water District (including a Trustee, officer, employee or other agent) against any liability other than for violating provisions of law relating to self-dealing.

ARTICLE 7. MEETINGS OF BOARD MEMBERS

SECTION 1. MEETING DEFINED

The Board shall meet at least once every three (3) months, and at such other times as the Board, by a majority vote, shall from time to time determine. "Meeting" means any prearranged discussion of the business of the Board by a majority of the members of the Board of Trustees.

SECTION 2. SUNSHINE LAW

Except as otherwise provided in these Bylaws, all meetings shall be open to the public at all times. The Secretary of the Board of Trustees shall record the proceedings of each meeting, which records shall be open to public inspection. The record of proceedings need only reflect the general subject matter of discussions in executive session as defined in Ohio Revised Code Section 121.22.

SECTION 3. BOARD ACTIONS, SUNSHINE LAW

Any resolution, rule or formal action involving the functions of or relating to the Board or the ABC Water and Storm Water District shall be deliberated upon and adopted in an open meeting except to the extent deliberation occurs in an executive session, in

accordance with these Bylaws.

SECTION 4. EXECUTIVE SESSIONS

Meetings may be held in an executive session only at a regular or special meeting and only for the sole purpose of considering any of the items set forth in ORC Section 121.22, or its successor.

SECTION 5. NOTICE OF MEETINGS

- 10-03-31-03
- (a) Statements of the date, time and place of all regular meetings shall be posted by the Secretary according to Resolution No. _____ or its successor not later than one week prior to all said meetings. The Secretary shall check at reasonable intervals to ensure that such statements remain posted. Such statement shall serve as notice to all Board Members of all regular meetings of the Board of Trustees.
 - (b) The President shall furnish written or oral notification of every special meeting of the Board to all Board Members, including the date, time and place thereof. Except in the case of an emergency requiring immediate official action, a statement of the date, time, place and purpose of special meetings shall be posted by the Secretary no later than twenty-four (24) hours in advance of such meetings. Any news media organization that desires to be given advance notice of special meetings shall file with the Secretary a written request therefore. Thereafter, the Secretary shall provide said notice as required by law. All notification, whether oral or written, must be actually received by the Board member.

SECTION 6. QUORUM

A majority of the members of the Board shall constitute a quorum for the transaction of business at any meeting of the Board.

SECTION 7. ACTION BY MAJORITY VOTE

Any action which may be taken at a meeting of the members at which a quorum is present may be taken by a majority affirmative vote of the members present at such meeting.

ARTICLE 8. OFFICERS

SECTION 1. OFFICERS

The Board of Trustees shall elect a President, a Secretary, and such other officers as the Board of Trustees may deem appropriate. Nominations for each officer position shall be received from the floor and no second shall be necessary for nominations. After all nominations are received, a roll call vote will be called. All officers shall be chosen by a majority vote of all the members of the Board. All said officers shall serve a one year term commencing January 1 and continuing through December 31 of the same year. The election of officers for each successive year shall occur at the first regular meeting of the Board held on or after January 1 of the successive year. In the event a vacancy should occur, an election shall be held to fill the unexpired term of the vacated office. All said officers shall be chosen from the members of the Board of Trustees. Any two of the offices may be held by one person, but in any case in which the action of more than one officer is required, no one person shall act in more than one capacity.

- Amended on 1/27/2011

SECTION 2. RESIGNATION, REMOVAL

Any officer may resign at any time by notice in writing delivered to any officer of the Board other than himself. Any officer may be removed, with or without cause, by a two-thirds (2/3) vote of all members of the Board.

ARTICLE 9. DUTIES OF OFFICERS

SECTION 1. DUTIES OF PRESIDENT

The President shall preside at meetings of the members of the Board of Trustees and shall assure that notice of meetings is provided as set forth in Article 7, Section 5. Further, the President shall perform all other such duties as the Board of Trustees may require.

SECTION 2. DUTIES OF SECRETARY

The Secretary shall take and keep records of all meetings of the members of the Board of Trustees, conduct such correspondence of the Board as may be designated by the President, perform the usual duties of his office and perform such other duties as the Board may require. The Secretary shall be the custodian of all funds and securities and similar property belonging to the Board and shall do with the same as may be ordered by the Board of Trustees. They shall keep accurate financial accounts and hold the same open for examination of the Trustees. On the expiration of their term of office they shall turn over to his successor or to the Board of Trustees, all property, books, papers and monies of the Board of Trustees in their hands.

SECTION 4. OTHER OFFICERS

The Board of Trustees may also elect any and all other officers or assistants to officers, and specify the powers and duties of each such officer, as the Board of Trustees shall deem appropriate and necessary.

SECTION 5. OTHER DUTIES ASSIGNED

The Board of Trustees is authorized to delegate the duties of any officer to any other Board member and generally to control the actions of the officers and to require the performance of duties in addition to those mentioned herein.

SECTION 6. BONDING

Any officer, if required by the Board of Trustees, shall give bond in such form and with such security as the Board of Trustees from time to time may require for the faithful performance of his duties. ABC Water and Storm Water District shall pay for such bonds.

SECTION 7. DEPOSITORIES, INVESTMENTS

The Board of Trustees shall select depositories for the safe keeping of monies of the Board and establish the procedure for deposits. The Board of Trustees from time to time may authorize investments of monies of the Board, in accordance with Ohio law.

ARTICLE 10. COMMITTEES

SECTION 1. COMMITTEES

The Board of Trustees may appoint an Executive Committee and such other committees as it deems necessary. In the event the Board appoints an Executive Committee, said Committee shall carry on the work of the Board in conducting the regular and ordinary transactions of business of the Board between meetings of the Board, subject to such policies and aims as determined by the Board. Such Executive Committee shall meet upon the call of the President, and shall be composed of such Board members as are elected thereto by a majority vote of the Board. Said Committee may employ an Executive Director to manage and direct the activities of the Board subject to the policies and directions of the Board.

ARTICLE 11. EXECUTION OF INSTRUMENTS, DEPOSITS AND FUNDS

SECTION 1. EXECUTION OF INSTRUMENTS

The Board of Trustees, except as otherwise provided in these Bylaws, may authorize any officer or agent of the ABC Water and Storm Water District to enter into any contract or execute and deliver any instrument in the name of and on behalf of the ABC Water and Storm Water District, and such authority may be general or confined to specific instances. Unless so authorized, no officer, agent, or employee shall have any power or authority to bind the ABC Water and Storm Water District by any contract or engagement or to pledge its credit or to render it liable monetarily for any purpose or in any amount.

SECTION 2. CHECKS AND NOTES

Except as otherwise specifically determined by the Board of Trustees, or as otherwise required by law, checks, drafts, promissory notes, orders for the payment of money, and other evidence of indebtedness of the ABC Water and Storm Water District shall be signed by such person or persons as the Board of Trustees shall authorize by resolution.

SECTION 3. DEPOSITS

All funds of the ABC Water and Storm Water District shall be deposited to the credit of the ABC Water and Storm Water District in such depositories as the Board of Trustees may approve.

SECTION 4. GIFTS

The Board of Trustees may accept on behalf of the ABC Water and Storm Water District any contribution, gift, bequest, or devise for the purpose of the ABC Water and Storm Water District.

ARTICLE 12. DISTRICT RECORDS, REPORTS AND SEAL

SECTION 1. MAINTENANCE OF DISTRICT RECORDS

The ABC Water and Storm Water District shall keep at its principal office in the State of Ohio:

- (a) minutes of all meetings of Trustees and committees of the Board with the time and place of holding, whether regular or special, and names of those present and the proceedings of the meeting.
- (b) adequate and correct books and records of account, including accounts of its properties and business transactions and accounts of its assets, liabilities, receipts, disbursements, gains and losses.
- (c) a copy of the Bylaws as amended to date, which shall be open to inspection at all reasonable times during office hours.
- (d) a public records policy, at such time as one is approved by the Board.

SECTION 2. SEAL

The Board of Trustees may adopt and use a seal. Such seal shall be kept at the principal office. Failure to affix the seal to instruments, however, shall not affect the validity of any such instruments.

SECTION 3. TRUSTEES' INSPECTION RIGHTS

Every Trustee shall have the absolute right at any reasonable time to inspect and copy all books, records and documents of every kind and to inspect the physical properties of the ABC Water and Storm Water District.

SECTION 4. RIGHT TO COPY AND MAKE EXTRACTS

Any inspection under the provisions of this Article may be made in person or by agent or attorney and the right to inspect includes the right to copy and make extracts.

SECTION 5. ANNUAL REPORT

An annual report shall be furnished to all Trustees not later than one hundred and fifty (150) days after the closing of the fiscal year. Such report shall contain the following information in appropriate detail:

- (a) a list of the fund-raising drives, campaigns or programs in which the ABC Water and Storm Water District participated during the fiscal year and the funds derived

therefrom;

- (b) a description of other activities, if any, of the ABC Water and Storm Water District during the fiscal year;
- (c) the assets and liabilities, including the trust funds, of the ABC Water and Storm Water District as of the end of the fiscal year;
- (d) the principal changes in assets and liabilities, including trust funds, during the fiscal year;
- (e) the revenue or receipts, both unrestricted and restricted to particular purposes, for the fiscal year;
- (f) the expenses or disbursements, for both general and restricted purposes for the fiscal year;

The annual report shall be accompanied by any report thereon of independent accountants, or, if there is no such report, the certificate of an authorized officer that such statements were prepared without audit from the books and records of the ABC Water and Storm Water District.

ARTICLE 13. FISCAL YEAR

SECTION 1. FISCAL YEAR

For businesses and accounting purposes, the fiscal year of the Deerfield Storm Water District shall begin on January 1 and end on December 31 of the calendar year.

ARTICLE 14. AMENDMENT OF BYLAWS

SECTION 1. BOARD ACTION

Subject to any provision of law applicable to the amendment of Bylaws of regional districts under Chapter 6119 of the Ohio Revised Code, these Bylaws, may be altered, amended, or repealed and new Bylaws adopted by a two-thirds (2/3) majority vote of Trustees.

ARTICLE 15. PROHIBITION AGAINST SHARING DISTRICT PROFITS AND ASSETS

No Trustee, officer, employee, or other person connected with the ABC Water and Storm Water District, or any private individual, shall receive any of the net earnings or profit from the operations of the ABC Water and Storm Water District. This provision shall not prevent payment to any such person or reasonable compensation for services

performed for the ABC Water and Storm Water District in effecting any of its purposes, provided that such compensation is permitted by these Bylaws and is fixed by the Board of Trustees; and no such person or persons shall be entitled to share in the distribution of, and shall not receive, any of the assets on dissolution of the ABC Water and Storm Water District. On any dissolution or winding up of the affairs of the ABC Water and Storm Water District, whether voluntarily or involuntarily, the assets of the ABC Water and Storm Water District, after all debts have been satisfied, then remaining in the hands of the Board of Trustees, shall be distributed as required by the Courts of Common Pleas where the ABC Water and Storm Water District was formed.

ARTICLE 16. EXPENSES

Board members and officers shall receive pay as determined by a majority vote of the Board of Trustees, not to exceed the amount permitted by law. Further, Board members shall be entitled to receive actual and necessary traveling expenses and other expenses incurred while on the business of the Board.

ARTICLE 17. ORDER OF BUSINESS

SECTION 1. ORDER OF BUSINESS, ROBERTS RULES OF ORDER

Unless modified by a majority vote of the members of the Board, the order of business shall be as follows:

- (a) Call to order;
- (b) Read, approve and sign minutes of preceding meeting or meetings;
- (c) Reports of officers, board and committees;
- (d) Special orders;
- (e) Unfinished business and general orders;
- (f) New business;
- (g) Comments from Board Members;
- (h) Comments from general public
- (i) Motion to Adjourn

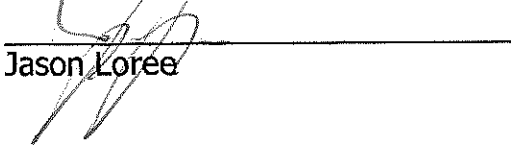
Insofar as the same are not superseded by provisions of the Ohio Revised Code or these Bylaws, the current edition of the Roberts Rules of Order shall prevail in the conduct of meetings of the Board.



Daniel Bienko



Michael Dockry



Jason Loree

This instrument prepared by: JOHN B. ALBERS, ESQ. and ERIC J. LUCKAGE, ESQ.
88 North Fifth Street
Columbus, Ohio 43215
(614) 464-4414

Drafted on 3-22, 2010

Adopted on 3-31, 2010

ABC WATER AND STORM WATER DISTRICT MISSION STATEMENT

The ABC Water and Storm Water District was formed to unite the founding communities into an entity that would provide a stronger, united voice on correcting problems, future planning and addressing other appropriate issues affecting the ABC District and its residents.

This developed Mission Statement will be to follow through with that original intent by acting as the central voice and facilitator on ABC Projects/Grants/Needs that are brought to the Board by member Township Trustees. Problems, projects and issues will be prioritized by Township with and from resident input and submitted in writing as prescribed by the ABC District.

As the ABC Water and Storm Water District matures and further develops it may be necessary to modify goals, procedures, protocols (by-laws) to maximize the District services and representation of and for the founding member Townships.

Funding for operations and projects will be developed to provide for equitable allocation of costs (per capita) and/or by benefiting residents/Township on a proportional basis with separate "ACTION" accounts maintained by the Township for accumulated funds/fees/assessments to be used for any future dedicated projects.

The accompanying chart and these “rules” are to provide for a “common language” record of the Member Township issues requiring attention/action/assistance of the ABCD. With these procedures followed by all Townships, we will be able to understand and service/support accordingly. The information required must be provided with appropriate GIS maps showing work area and related/impacted areas.

Information to be included:

**Title of Project with Scope of Work/Problem
Location
Funding....actual or proposed
Target date for execution
Support information to make clear to Public**

GIS plans to be matching in scale to “Master” GIS Plan Boards currently used by ABC, with above proscribed information. In order for this information to be available for use in a timely manner, the individual Township submissions will be required within 60 days of receipt of this. Further, to keep all information current, Township Members are requested to provide updated information as it develops/changes but in no case on a quarterly basis. If no changes, a simple letter stating same is in order. All information submitted to the ABCD Board to satisfy the above should be copied to all Member Township Trustees to allow for “all” to be current on the programs/needs/goal of the others concurrently with the ABCD Board.

ABC STORM AND WATER DISTRICT

ABCD

SCHEDULE OF TOWNSHIP DISTRICT MEMBERS

TARGET PROJECTS

TWP. _____ TRUSTEE _____ DATE _____

PROJECT TITLE	PROBLEM / PROJECT ISSUE DESCRIPTION	SOLUTION / GOAL	BUDGET	TIMELINE STATUS

MINUTES OF MEETING HELD MAY 27, 2010

At a regular meeting of the Board of Trustees of the ABC Water & Storm Water District, Mahoning County, Ohio, held on the above date at 1:00 p.m., the following members were present: Mr. Michael Dockry, Mr. Daniel V. Bienko, and Mr. Jason Loree. The public and news media were given proper notice regarding this meeting.

RESOLUTION 10-05-27-01: Motion was made by Mr. Bienko to approve the Minutes of the Special Meeting held March 31, 2010.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

Under Old Business, Mr. Gary Diorio of ms consultants made a presentation on the process Poland Township used to assess a fee for impervious surface per lot. Discussion ensued. Mr. Bienko asked Mr. Diorio to provide the Board with a comprehensive list of engineering services needed to assess the lots.

Mr. Eric Luckage of Albers and Albers explained the legislation being introduced to prohibit a district from imposing any fee that is not directly related to a project. Per Mr. Bienko's request, Mr. Luckage will compose a letter opposing this legislation. The Board can then forward it to the appropriate parties.

Membership in the Coalition of Ohio Regional Districts (CORD) was discussed. It was decided that due to this year's membership fee being waived, the Board would review this issue again in 2011.

Discussion ensued and it was decided that Mr. Dockry would compose a letter that Mr. Loree and Mr. Bienko can review at the next meeting regarding the county extending their storm water infrastructure to carry enough water for the 50-year and 100-year projections. This will be an agenda item for the next meeting in June.

Mr. Loree will follow up on Errors and Omissions insurance for the next meeting.

Discussion took place regarding the Bank Depository. Mr. Luckage stated that he has provided a sample resolution and notice related to the Public Depository process.

Mr. Loree stated that he is waiting on an opinion from the Prosecutor's Office regarding staff additions.

MINUTES OF MEETING HELD MAY 27, 2010

RESOLUTION 10-05-27-02: Motion was made by Mr. Dockry to approve the letterhead as attached to the minutes herein.

Seconded by Mr. Loree.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

Mr. Luckage will provide a letter to the Board that encompasses the mission statement, chart, and process for each township on how to present projects to the Board.

Each township will continue to investigate water line ownership as they see fit.

RESOLUTION 10-05-27-03: Motion was made by Mr. Bienko to adjourn into executive session at 2:48 p.m. for the purposes of Personnel (employment).

Seconded by Mr. Loree.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

RESOLUTION 10-05-27-04: Motion was made by Mr. Loree to adjourn Executive Session at 3:12 p.m. and return to Open Session.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

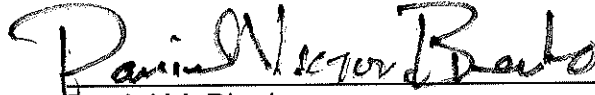
No formal business was conducted by the Board from executive session.

RESOLUTION 10-05-27-05: Motion was made by Mr. Loree to adjourn at 3:15 p.m.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

MINUTES OF MEETING HELD MAY 27, 2010



Daniel V. Bienko
President



Jason Loree
Secretary

ABC Water and Storm Water District

8299 MARKET STREET • BOARDMAN, OHIO 44512 • (330) 726-4177 • FAX: (330) 729-2054

Austintown

Mike Dockry

Vice Chairman

mdockry@austintowntwp.com

Boardman

Jason Loree

Secretary

jlore@twp.boardman.oh.us

Canfield

Daniel Victor Bienko

Chairman

dvbienko@aol.com

Stephanie Landers, Assistant to the Secretary, slanders@twp.boardman.oh.us

MINUTES OF MEETING HELD JUNE 24, 2010

At a regular meeting of the Board of Trustees of the ABC Water & Storm Water District, Mahoning County, Ohio, held on the above date at 1:00 p.m., the following members were present: Mr. Michael Dockry, Mr. Daniel V. Bienko, and Mr. Jason Loree. The public and news media were given proper notice regarding this meeting.

Motion was made by Mr. Bienko to approve the Minutes of the Regular Meeting held May 27, 2010.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

Under Old Business, Ms. Landers updated the Board regarding the Errors and Omissions Insurance. This insurance will be provided through OTARMA and will take effect as soon as possible.

The Bank Depository was also discussed. At this time, no further action will be taken.

The letter opposing the fee legislation is also on hold at this time due to pending issues at the legislation level.

Mr. Luckage will continue to work on the letter to be sent to the Townships regarding the mission statement, completion of the chart, and process to include the rest of each township in the ABC District.

Mr. Diorio could not attend the meeting so the Assessment of Property will be discussed at the next meeting in August.

Discussion ensued regarding the County storm water infrastructure letter.

Discussion ensued regarding Mr. Bienko's request to discuss with the County Engineer improving the design criteria/standards to fifty year specifications.


Regarding the use of administrative and financial services, these contracts will be sent to Atty. Finamore for review.

Mr. Luckage stated that the Board needs to continue to think about a billing system and part of this process needs to include keeping an accurate accounting of the money paid to the ABC Water & Storm Water district so that those costs can be reimbursed to each Township.

MINUTES OF MEETING HELD JUNE 24, 2010

Motion was made by Mr. Bienko to adjourn at 2:17 p.m.
Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	


Daniel V. Bienko
President


Jason Loree
Secretary

MINUTES OF MEETING HELD SEPTEMBER 23, 2010

At a regular meeting of the Board of Trustees of the ABC Water & Storm Water District, Mahoning County, Ohio, held on the above date at 1:00 p.m., the following members were present: Mr. Michael Dockry, Mr. Daniel V. Bienko, and Mr. Jason Loree. The public and news media were given proper notice regarding this meeting.

Motion was made by Mr. Dockry to approve the Minutes of the Regular Meeting held June 24, 2010.

Seconded by Mr. Bienko.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

The Errors and Omissions insurance quote was discussed and it was decided that any action on it would be postponed at this time. In addition, another quote will be secured.

Under Old Business, discussion ensued regarding advertising an RFQ for an engineer. In addition, a lengthy discussion ensued regarding how ERUs will be determined and how projects will be paid for.

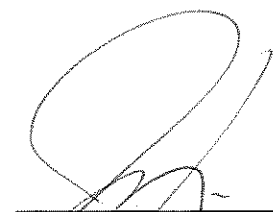
Mr. Diorio could not attend the meeting so the Assessment of Property will be discussed at the next meeting in October.

Regarding administrative and financial services, these will be discussed once more information is received.


Motion was made by Mr. Loree to adjourn at 2:36 p.m.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	



Jason Loree
Secretary



Daniel V. Bienko
President

MINUTES OF MEETING HELD OCTOBER 28, 2010

At a regular meeting of the Board of Trustees of the ABC Water & Storm Water District, Mahoning County, Ohio, held on the above date at 1:00 p.m., the following members were present: Mr. Michael Dockry, Mr. Daniel V. Bienko, and Mr. Jason Loree. The public and news media were given proper notice regarding this meeting.

RESOLUTION 10-10-28-01: Motion was made by Mr. Loree to approve the Minutes of the Regular Meeting held September 23, 2010.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

Under Old Business, discussion ensued regarding the Request for Qualifications for an engineering firm.

RESOLUTION 10-10-28-02: Motion was made by Mr. Loree to approve the Request for Qualifications for a consulting engineer as attached to the meeting minutes and authorize that the shorter summary of the Request for Qualifications, also attached, be published one time in a paper of general circulation.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

In addition, the Errors and Omissions insurance was discussed. Two proposals have been submitted and they will be reviewed.

Lastly, Mr. Diorio could not attend the meeting so the Assessment of Property will be discussed at the next meeting in November.

Under New Business, discussion ensued regarding supplying water to the residents of the district.

RESOLUTION 10-10-28-03: Motion was made by Mr. Loree to adjourn into executive session at 2:09 p.m. for the purposes of Personnel (employment and compensation).

Seconded by Mr. Bienko.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

MINUTES OF MEETING HELD OCTOBER 28, 2010

RESOLUTION 10-10-28-04: Motion was made by Mr. Loree to adjourn Executive Session at 3:05 p.m. and return to Open Session.
Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

The following official business was conducted by the Board from executive session:

RESOLUTION 10-10-28-05: Motion was made by Mr. Dockry to enter into an agreement between ABC Water & Storm Water District and Boardman Township for Fiscal and Administrative Services as attached to these minutes.
Seconded by Mr. Bienko.


Roll Call	Aye	Nay
Mr. Loree	Abstained	
Mr. Dockry	X	
Mr. Bienko	X	

RESOLUTION 10-10-28-06: Motion was made by Mr. Loree to adjourn at 3:05 p.m.
Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	



Daniel V. Bienko
President



Jason Loree
Secretary

**REQUEST FOR QUALIFICATIONS
ABC WATER AND STORM WATER DISTRICT
CONSULTING ENGINEER(S)**

In accordance with O.R.C. 153.65-.71, the ABC Water and Storm Water District ("District") in Mahoning County, Ohio requests engineering firms to submit qualifications for Engineering/Consulting services in connection with the potable water and storm water operations for the newly formed District. This firm (or firms) will act as consulting engineer(s) for the District with respect to potable water and/or storm water. The Engineering/Environmental firms interested in being considered to contract for the provision of such services should reply with five (5) copies of their Statement of Qualifications packages no later than 3:00 p.m. on December 9, 2010. Statements received after this deadline will not be considered. Statements should be sent to the District at: 8299 Market Street, Boardman, Ohio 44512, Attention Stephanie Landers. The District may select one firm as consultant for both potable water and storm water aspects, or may select different firms as consultant for each aspect.

The District seeks ongoing, as-needed, professional consulting services for the implementation of its storm water program and consultation regarding potable water system needs. The District is considering the creation of a storm water utility and the implementation of a fee to pay for some or all of the expenses related to such services. The District was also created to be an alternative option for the provision of water services within the Townships. This publication is a summary of the more detailed Request for Qualifications (RFQ), including conditions and limitations and the evaluation criteria that the District will use to analyze qualifications and rank the firms. Interested parties must obtain a copy of the entire RFQ prior to submitting qualifications packages. To request the entire RFQ, please call Stephanie Landers at 330-726-4150, x 1187. All Proposals are subject to the Conditions, Instructions and the Specifications within the detailed RFQ.

I. REQUEST FOR QUALIFICATIONS

In accordance with O.R.C. 153.65-.71, the ABC Water and Storm Water District ("District"), Mahoning County, Ohio requests engineering firms to submit qualifications, as outlined below, for Engineering/Consulting services in connection with the potable water and storm water operations for the newly formed District. This firm (or firms) will act as consulting engineer(s) for the District. The Engineering/Environmental firms interested in being considered to contract for the provision of such services should reply with a statement of qualifications no later than 3:00 p.m. on December 9, 2010. Statements received after this deadline will not be considered. The District may select one firm as consultant for both potable water and storm water aspects, or may select different firms as consultant for each aspect.

II. ABC WATER AND STORM WATER DISTRICT

The ABC Water and Storm Water District was established in November 2009 and includes the unincorporated territory of Austintown, Boardman and Canfield Townships in Mahoning County, Ohio. The District is governed by a 3 person Board, with each Township appointing one District Board member.

III. SCOPE OF WORK

The District seeks ongoing, as-needed, professional consulting services for the implementation of its storm water program and consultation regarding potable water system needs. Various areas within the three Townships experience various storm water problems and the associated flooding. The District was created to be a part of the solution to those problems. The District is considering the creation of a storm water utility and the implementation of a fee to pay for some or all of the expenses related to such services. The District was also created to be an alternative option for the provision of water services within the Townships. The evaluation criteria that the District will use to analyze qualifications for the ongoing consulting services are included in section VII of this document. The District reserves the right to alter this scope of work during fee negotiations with the best qualified consulting firm(s), or subsequently.

IV. SUBMISSION OF QUALIFICATIONS

Qualifications must be submitted to the District at: 8299 Market Street, Boardman, Ohio 44512, Attn: Stephanie Landers.

Five (5) copies of qualifications statements are due to the District at by ~~4:30~~^{3:00 p.m.} p.m. on December 9, 2010. Packages arriving later than this time will not be accepted. For more information, please contact Stephanie Landers at 330-726-4150 x. 1187 or by email at slanders@twp.boardman.oh.us

1. Statement of Qualifications: Statement of qualifications should include information regarding the firm's history, education and client specific experience of the owners and key technical personnel, and the technical expertise of the firm's current staff which would be assigned to the District in the ranking criteria listed herein.

2. Signature: The proposal shall be signed by an authorized official. The proposal shall provide the following information: Name, title, address and telephone number of individual(s) with authority to contractually bind the company, and also who may be contacted during the period of proposal evaluation for the purpose of clarifying submitted information.

V. CONTENT OF QUALIFICATIONS

In order to facilitate evaluation of qualifications, the proposing firm is instructed to follow the outline below in responding with its statement of qualifications. Proposing firms that do not follow the outline, or do not contain the required information may be considered as unresponsive. In organizing responses, please consider the following, along with the ranking criteria in Section VII below.

1. Storm Water

- a. Understanding of the Request: Provide a statement of the firm's understanding of the District's request for services. Include experience and resources of the proposing company, ownership, history, primary contact, etc.
- b. Personnel: Identify key personnel who will provide the required services directly to the District under this request, including their qualifications, education, and relevant experience.
- c. References: Provide, for personnel assigned to the District, a list of three (3) previous references or current references with regional districts or other local governments that are similar to the scope of services requested in this RFQ. Reference information should include:
 - i. Contract duration, including dates;
 - ii. Services performed;
 - iii. Name, address and telephone number of contracting agency which may be contacted for verification of all data submitted.
- d. Statement of Qualifications: Experience and resources of the firm, including the ownership and wherewithal to assume the work identified herein. Statement of qualifications should also include information regarding the firm's history, education and client specific experience of the owners and key technical personnel, and the technical expertise of the firm's current staff and, specifically, staff which would be assigned to the District, in the storm water ranking criteria listed in Section VII herein.

2. Potable Water

- a. Understanding of the Request: Provide a statement of the proposer's understanding of the District's request for services. Include experience and resources of the proposing company, ownership, history, primary contact, etc.
- b. Personnel: Identify key personnel who will provide the required services directly to the District under this request, including their qualifications, education, and relevant experience.
- c. References: Provide, for personnel assigned to the District, a list of three (3) previous references or current references with regional districts or other local

governments that are similar to the scope of services requested in this RFQ. Reference information should include:

- i. Contract duration, including dates;
 - ii. Services performed;
 - iii. Name, address and telephone number of contracting agency which may be contacted for verification of all data submitted.
- d. Statement of Qualifications: Statement of qualifications should include information regarding the firm's history, education and client specific experience of the owners and key technical personnel, and the technical expertise of the firm's current staff which would be assigned to the District, in the potable water ranking criteria listed in Section VII herein.

VI. EVALUATION OF PROPOSALS

Following receipt of Statements of Qualifications, the District Board and counsel will independently evaluate the RFQs and rank them by assigning a score for each of the criteria below. The Board may elect to interview the firms prior to ranking them. The scores for each criterion will be added to produce a firm's Storm Water Score and a Potable Water Score. Each firm's Storm Water Score and Potable Water Score will be combined to form that firm's Total Score. The firm receiving the highest Total Score shall be deemed the most qualified. The District intends to begin negotiations with the most qualified firm to develop a contract for services. If a contract cannot be achieved, the District may negotiate with the second highest ranking firm, and so forth. Though the District intends to contract with one firm for both potable water and storm water services, following the ranking process, the District Board may determine that it is in the best interests of the District to select separate firms for its storm water and potable water consulting services and, in such event, shall begin negotiations with the firm receiving the highest Storm Water Score and the firm receiving the highest Potable Water Score.

VII. RANKING CRITERIA

Storm Water Ranking Criteria (Max. 135 Total Points)

- | | |
|-----------------------|---|
| Max. 20 Points | Experience assisting local governments with the creation of storm water utility, implementation of storm water utilities and related policies and procedures. |
| Max. 20 Points | Experience in the collection and evaluation of impervious surface data for the development of storm water fees. |
| Max. 20 Points | Experience assisting local governments in drafting storm water rules, regulations and policies that oversee private development. |

- Max. 20 Points** Experience in planning, designing and inspecting storm water management systems and overseeing the construction of storm water capital projects in a cost-effective manner.
- Max. 15 Points** Experience in identifying and mapping comprehensive storm water systems using all appropriate engineering and analysis techniques, including but not limited to GIS mapping, field surveys and analysis, global positioning technologies, civil engineering, etc.
- Max. 10 Points** Experience in modeling storm water systems using all appropriate engineering and analysis techniques.
- Max. 10 Points** Knowledge of and work experience relating to EPA Phase II requirements, permitting, storm water management plans, and other EPA rules and regulations, and assisting local governments with addressing such regulatory mandates.
- Max. 10 Points** Experience in researching, applying for, coordinating and successfully securing storm water project financing loans and grants from the various sources of funding for such projects.
- Max 5 Points** Ability of assigned staff to attend day or evening meetings, as needed.
- Max 5 Points** Previous satisfactory work experience with the District, or Austintown, Boardman or Canfield Townships, or other regional (6119) districts.

Potable Water Ranking Criteria (Max. 115 Total Points)

- Max. 20 Points** Experience assisting local governments with the design/bidding/inspection of potable water projects, including treatment plants and distribution systems, in a cost-effective manner.
- Max. 20 Points** Experience in the examination and evaluation of existing potable water distribution systems.
- Max. 20 Points** Experience assisting local governments in drafting potable water rules, regulations and policies.
- Max. 20 Points** Experience managing the exploration and development of new raw water sources for public water providers.
- Max. 15 Points** Experience in researching applying for, coordinating and successfully securing water project financing loans and grants from the various sources of funding for such projects.

Max. 10 Points Knowledge of and work experience relating to EPA water permitting and other rules and regulations, and assisting local governments with addressing such regulatory mandates.

Max 5 Points Ability of assigned staff to attend day or evening meetings, as needed.

Max 5 Points Previous successful work experience with the District, or Austintown, Boardman or Canfield Townships.

VIII LIMITATIONS AND RESERVATIONS

This Request for Qualifications does not commit the District to award a contract, to pay any costs incurred in the preparation of a response to this request, or to contract for services.

The District reserves the right to accept or reject any or all proposals received as a result of this request, or to cancel, in part or in its entirety, this Request for Qualifications, if the Board deems it in the best interest of the District to do so.

AGREEMENT FOR FISCAL AND ADMINISTRATIVE SERVICES

THIS AGREEMENT, made this 28th day of October, 2010 by and between the ABC WATER AND STORM WATER DISTRICT, a political subdivision of the State of Ohio (hereafter referred to as "District") and BOARDMAN TOWNSHIP, a political subdivision of the State of Ohio (hereafter referred to as "Township") is to witness that:

WHEREAS, the District was established to render water and storm water services within Austintown, Boardman and Canfield Townships, as needed; and

WHEREAS, the District does not presently employ any staff to perform routine fiscal and administrative services necessary and incidental to the performance of such services and the execution of its powers within the said Townships; and

WHEREAS, the District, pursuant to the authority provided in R.C. 6119.06(O) and 6119.06(P), and the Township, pursuant to the authority provided in R.C. 504.04 and R.C. 505.101, desire to enter into an agreement whereby the Township and Township employees perform such fiscal and administrative services, as needed, on behalf of the District; and

NOW, THEREFORE, in consideration of the mutual promises herein contained, the District and the Township do hereby agree as follows:

1. **TERM OF AGREEMENT**

This Agreement shall become effective on the date referenced above, and shall continue in effect for one year, unless sooner terminated as set forth in this Agreement. This contract shall automatically renew, for additional one year terms, on each anniversary of the date referenced above, unless terminated according to the procedure below. If the contract is renewed and the Board of Trustees of the District (hereafter referred to as "District Board") agrees to Township requests to increase the Township's compensation for the services described under this Agreement, the District may do so by resolution and without the need of an Addendum to this Agreement.

2. **SERVICES TO BE PERFORMED BY THE TOWNSHIP**

The Township agrees to provide Township employee(s) to perform the following services:

A. **Administrative Services:**

- Attending all regular meetings of the District Board (hereafter referred to as "District Board") and preparing agendas and minutes thereof;
- attending special meetings of the District Board as required and preparing agendas and minutes thereof;
- preparing and arranging placement of any notices or announcements of the District;
- responding to public inquiries as necessary and per directions of the District Board;
- obtaining all District mail on a regular basis from the assigned location and posting and depositing mail for delivery;

- writing checks and paying District bills;
- preparing and filing draw requests with the District's funding sources,
- typing and filing; and
- other administrative duties as assigned;

B. Fiscal Services:

- preparing and maintaining District operating budgets (preliminary and final budgets and amendments thereto);
- providing monthly financial reports to the District Board regarding budget income and expenditures;
- making financial deposits;
- keeping financial records;
- preparation of items necessary and related to Audits performed by the Ohio State Auditor or an agent thereof and attendance of any meetings related thereto, as deemed necessary by the District Board and
- other fiscal duties as assigned.

3. COMPENSATION

In consideration of the services to be performed by the Township employee(s), the District hereby agrees to compensate the Township for services rendered as follows:

- A. The Township shall be paid at the rate of twenty-three dollars (\$23.00) per hour for documented hours spent by a Township employee in the performance of Administrative Services for the District.
- B. The Township shall be paid at the rate of twenty-six dollars (\$26.00) per hour for documented hours spent by a Township employee in the performance of Fiscal Services for the District.
- C. The Township shall be compensated for its reimbursement to Township employee(s) for mileage incurred by Township employee(s) while performing District duties and such compensation shall be at the rate as determined periodically by the Internal Revenue Service, provided that receipts or other documentation satisfactory to the District Board of Trustees is provided. However, such mileage shall not be paid for normal commuting to and from District meetings or the District office.
- D. The Township shall be compensated for its reimbursement to Township employee(s) for incidental expenses incurred while performing District duties, provided that receipts or other documentation satisfactory to the District Board of Trustees is provided.

- E. The District shall pay the premium for any additional bonding deemed necessary by the District and District's insurance carrier.
- F. An invoice for said services shall be submitted to the District for payment once each month, or more frequently as the District and the Township mutually agree.

4. **TOWNSHIP EMPLOYEE STATUS**

The District and the Township agree that Township employee(s) provided under this Agreement are employees of the Township and not the District. The District will provide no compensation or benefits to the individuals performing the services or to the Township for the Township employee(s) provided under this Agreement other than the payment to the Township provided for in Section 3 above. Nor shall the District be deemed to "employ" the individuals performing the services under any Workers Compensation laws, Employment laws or other law applicable to a standard Employer/Employee relationship.

5. **TERMINATION**

This Agreement may be terminated by either the District or the Township at any time, with or without cause, by written notice to the other at the notice address set forth in this Agreement. In the event of such termination, the Township shall be paid for all services performed prior to the effective date of the termination.

6. **OWNERSHIP OF DOCUMENTS: CONFIDENTIALITY**

- a. Any and all documents, memoranda, notices, and any other documents or items prepared for the District by the Township are and shall remain the property of the District and shall immediately be provided to the District at any time at its request. District documents shall be stored at either the District office or the Township office unless otherwise directed by the District Board.
- b. All business transacted by the District shall be kept confidential by the Township and its employees and no records of the District may be released by the Township or its employees unless the same are considered to be public documents. In any event, the Township and/or its employees shall discuss any public records requests with the District Board and, if directed by the District Board, the District's legal counsel prior to distributing any records to the requesting party.

7. **NOTICES**

Any notices required to be given under this Agreement will be completed by either personal delivery or regular mail at the following addresses:

For the District:

ABC WATER AND STORMWATER DISTRICT
8299 Market St.
Boardman, OH 44512

For the Township:

BOARDMAN TOWNSHIP
8299 Market St.
Boardman, OH 44512

8. **ENTIRE AGREEMENT, MODIFICATION**

This Agreement contains the entire agreement between the parties and may only be modified by written agreement executed by both parties, except for an increase in compensation to the Township, as discussed herein.

9. **BINDING EFFECT**

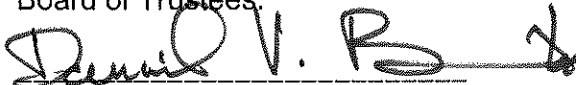
This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns where permitted by this Agreement.

10. **LEGAL CONSTRUCTION**

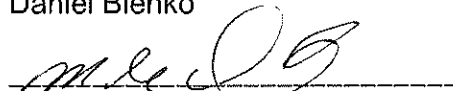
This Agreement shall be construed under and in accordance with the laws of the State of Ohio.

ABC WATER AND STORM WATER DISTRICT

Board of Trustees:



Daniel Bienko



Michael Dockry

Abstained

Jason Loree

10-28-2010

Date

MINUTES OF MEETING HELD NOVEMBER 18, 2010

At a regular meeting of the Board of Trustees of the ABC Water & Storm Water District, Mahoning County, Ohio, held on the above date at 1:00 p.m., the following members were present: Mr. Michael Dockry, Mr. Daniel V. Bienko, and Mr. Jason Loree. The public and news media were given proper notice regarding this meeting.

RESOLUTION 10-11-18-01: Motion was made by Mr. Loree to approve the Minutes of the Regular Meeting held October 28, 2010.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

RESOLUTION 10-11-18-02: Motion was made by Mr. Loree to adopt the Resolution in accordance with Section 121.22(F) of the Ohio Revised Code and as attached to the minutes herein, the Resolution notifying the public and news media of Regular, Special, and Emergency meetings for calendar year 2011.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

Under Old Business, discussion ensued regarding the ERU study.

In addition, the process for opening and reviewing the Requests for Qualifications for an engineering firm was reviewed. Ms. Landers will open and distribute to the Board the RFQs on Friday, December 10. The Board will then review and rank the proposals.

The status of adding territory to the ABC Water & Storm Water district is still in process as is the Errors and Omissions insurance.

Under New Business, Board compensation was discussed with this matter tabled for further discussion at the next meeting.

RESOLUTION 10-11-18-03: Motion was made by Mr. Dockry to approve and correct the rates for the Fiscal and Administrative Services contract to \$34 per hour for Administrative services and \$38 per hour for Fiscal Services, per the contract as attached to these minutes.

Seconded by Mr. Loree.

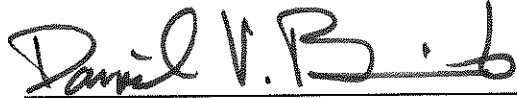
Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

MINUTES OF MEETING HELD NOVEMBER 18, 2010


RESOLUTION 10-11-18-04: Motion was made by Mr. Loree to adjourn at 2:25 p.m.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	



Daniel V. Bienko
President



Jason Loree
Secretary

**ABC Water and Storm Water District
Mahoning County, Ohio**

RESOLUTION NO. 10-11-18-02

The Board of Trustees of the ABC Water and Storm Water District, Mahoning County, Ohio, met in regular session, pursuant to notice on the 1st of April 2010 at 1:00 p.m. at the Boardman Township Government Center, 8299 Market Street, Boardman, Ohio, 44512, with the following members present: Daniel V. Bienko, Michael Dockry, and Jason Loree.

Mr. Loree moved to adopt the following Resolution:

BE IT RESOLVED by the Board of Trustees as follows:

1. The Board of Trustees of the ABC Water and Storm Water District, Mahoning County, Ohio, in compliance with RC 121.22(F), hereby the following method whereby any person may determine the date, time and place of regular meetings and the date, time, place and purposes of special meetings of the Board, and whereby the news media may be notified of the date, time, place, and purposes of special and emergency meetings of the Board.
 - a. **Regular Meetings:** Until further notice, regular meetings of the Board will be held on 1/27, 2/24, 3/24, 4/28, 5/26, 6/23, 8/25, 9/22, 10/27, 11/17, and 12/15 for 2011 at 1:00 p.m. Unless otherwise provided, all meetings will be held at 8299 Market Street, Boardman, Ohio, 44512. The Secretary shall give notice of regular meetings by posting a notice on the Boardman Township website, the Boardman Township bulletin board, and through notification of the media. Statements of the date, time, and place of all regular meetings shall be posted by the Secretary not later than one week prior to all said meetings. If the date, time, or location of a regular meeting is changed, notice of the change shall be posted as provided in this section at least one day prior to the meeting.
 - b. **Special and Emergency Meetings:** Special meetings of the Board will be held at the call of the Board. The call for a special meeting shall specify the date, time, location and purposes of the meeting. Unless otherwise provided, special meetings will be held at the same location as regular meetings. The Secretary shall give notice of the date, time, location and purposes of the special meetings other than an emergency meeting by posting in the same location(s) as provided for posting notice of regular meetings. Notice shall be posted as far in advance of the meeting as practicable, but not less than twenty-four hours prior to the meeting. If there is sufficient time to provide twenty-four hours' notice, the Secretary shall give notice of an emergency meeting in the same manner as notice of a non-emergency special meeting. Otherwise, notice of an emergency meeting is not required, except as provided in Section c. below.
 - c. **Notice To News Media of Special and Emergency Meetings:** News media who have requested notice of special meetings shall be individually notified by the Secretary of the date, time, location and purposes of any such meeting at least twenty-four hours in advance of the meeting. If the meeting is an emergency meeting, the member or members calling it shall immediately notify the media who have requested notification of the date, time, location, and purposes of the meeting.

- d. **Notice of Meetings to Discuss Particular Business:** The Secretary shall give reasonable advance notice of any regular or special meeting at which a particular type of public business is to be discussed, to any person who has requested such notice. If time permits, such notice shall be by mail. Otherwise, telephone or email notice shall be given. A request for notice shall be in writing, shall state the requestor's name, address, telephone number, email address, and the nature of the public business in which the requestor has a particular interest and desires notice. In addition, the requestor shall furnish the Secretary with a supply of stamped, self-addressed envelopes for mailing notice. Any such request shall remain in force for three (3) months.
- e. **Special Notice Required by Law:** When a particular form or method of notice is required by statute for a public hearing or meeting of the Board, notice of the hearing or meeting shall be given in the form and manner prescribed by statute, in addition to notice otherwise required under this Resolution.

2. That it is found and determined that all formal actions of this Board concerning and relating to the passage of this resolution were passed in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Mr. Dockry moved to second the motion.

Roll Call:

	Aye	Nay
Jason Loree	<u>X</u>	___
Michael Dockry	<u>X</u>	___
Daniel V. Bienko	<u>X</u>	___

Adopted this 18th day of November, 2010.

Daniel V. Bienko

Daniel V. Bienko, Chair

Michael Dockry

Michael Dockry, Vice Chair

Jason Loree

Jason Loree, Trustee

Attest:

Jason Loree
 Jason Loree, Secretary
 Board of Trustees

AGREEMENT FOR FISCAL AND ADMINISTRATIVE SERVICES

THIS AGREEMENT, made this 18th day of November, 2010 by and between the ABC WATER AND STORM WATER DISTRICT, a political subdivision of the State of Ohio (hereafter referred to as "District") and BOARDMAN TOWNSHIP, a political subdivision of the State of Ohio (hereafter referred to as "Township") is to witness that:

WHEREAS, the District was established to render water and storm water services within Austintown, Boardman and Canfield Townships, as needed; and

WHEREAS, the District does not presently employ any staff to perform routine fiscal and administrative services necessary and incidental to the performance of such services and the execution of its powers within the said Townships; and

WHEREAS, the District, pursuant to the authority provided in R.C. 6119.06(O) and 6119.06(P), and the Township, pursuant to the authority provided in R.C. 504.04 and R.C. 505.101, desire to enter into an agreement whereby the Township and Township employees perform such fiscal and administrative services, as needed, on behalf of the District; and

NOW, THEREFORE, in consideration of the mutual promises herein contained, the District and the Township do hereby agree as follows:

1. TERM OF AGREEMENT

This Agreement shall become effective on the date referenced above, and shall continue in effect for one year, unless sooner terminated as set forth in this Agreement. This contract shall automatically renew, for additional one year terms, on each anniversary of the date referenced above, unless terminated according to the procedure below. If the contract is renewed and the Board of Trustees of the District (hereafter referred to as "District Board") agrees to Township requests to increase the Township's compensation for the services described under this Agreement, the District may do so by resolution and without the need of an Addendum to this Agreement.

2. SERVICES TO BE PERFORMED BY THE TOWNSHIP

The Township agrees to provide Township employee(s) to perform the following services:

A. Administrative Services:

- Attending all regular meetings of the District Board (hereafter referred to as "District Board") and preparing agendas and minutes thereof;
- attending special meetings of the District Board as required and preparing agendas and minutes thereof;
- preparing and arranging placement of any notices or announcements of the District;
- responding to public inquiries as necessary and per directions of the District Board;
- obtaining all District mail on a regular basis from the assigned location and posting and depositing mail for delivery;

- writing checks and paying District bills;
- preparing and filing draw requests with the District's funding sources,
- typing and filing; and
- other administrative duties as assigned;

B. Fiscal Services:

- preparing and maintaining District operating budgets (preliminary and final budgets and amendments thereto);
- providing monthly financial reports to the District Board regarding budget income and expenditures;
- making financial deposits;
- keeping financial records;
- preparation of items necessary and related to Audits performed by the Ohio State Auditor or an agent thereof and attendance of any meetings related thereto, as deemed necessary by the District Board and
- other fiscal duties as assigned.

3. COMPENSATION

In consideration of the services to be performed by the Township employee(s), the District hereby agrees to compensate the Township for services rendered as follows:

- A. The Township shall be paid at the rate of ~~twenty-three dollars (\$23.00)~~ ^{thirty-four dollars (\$34.00)} per hour for documented hours spent by a Township employee in the performance of Administrative Services for the District.
- B. The Township shall be paid at the rate of ~~twenty-six dollars (\$26.00)~~ ^{thirty-eight dollars (\$38.00)} per hour for documented hours spent by a Township employee in the performance of Fiscal Services for the District.
- C. The Township shall be compensated for its reimbursement to Township employee(s) for mileage incurred by Township employee(s) while performing District duties and such compensation shall be at the rate as determined periodically by the Internal Revenue Service, provided that receipts or other documentation satisfactory to the District Board of Trustees is provided. However, such mileage shall not be paid for normal commuting to and from District meetings or the District office.
- D. The Township shall be compensated for its reimbursement to Township employee(s) for incidental expenses incurred while performing District duties, provided that receipts or other documentation satisfactory to the District Board of Trustees is provided.

- E. The District shall pay the premium for any additional bonding deemed necessary by the District and District's insurance carrier.
- F. An invoice for said services shall be submitted to the District for payment once each month, or more frequently as the District and the Township mutually agree.

4. **TOWNSHIP EMPLOYEE STATUS**

The District and the Township agree that Township employee(s) provided under this Agreement are employees of the Township and not the District. The District will provide no compensation or benefits to the individuals performing the services or to the Township for the Township employee(s) provided under this Agreement other than the payment to the Township provided for in Section 3 above. Nor shall the District be deemed to "employ" the individuals performing the services under any Workers Compensation laws, Employment laws or other law applicable to a standard Employer/Employee relationship.

5. **TERMINATION**

This Agreement may be terminated by either the District or the Township at any time, with or without cause, by written notice to the other at the notice address set forth in this Agreement. In the event of such termination, the Township shall be paid for all services performed prior to the effective date of the termination.

6. **OWNERSHIP OF DOCUMENTS; CONFIDENTIALITY**

- a. Any and all documents, memoranda, notices, and any other documents or items prepared for the District by the Township are and shall remain the property of the District and shall immediately be provided to the District at any time at its request. District documents shall be stored at either the District office or the Township office unless otherwise directed by the District Board.
- b. All business transacted by the District shall be kept confidential by the Township and its employees and no records of the District may be released by the Township or its employees unless the same are considered to be public documents. In any event, the Township and/or its employees shall discuss any public records requests with the District Board and, if directed by the District Board, the District's legal counsel prior to distributing any records to the requesting party.

7. **NOTICES**

Any notices required to be given under this Agreement will be completed by either personal delivery or regular mail at the following addresses:

For the District:

ABC WATER AND STORMWATER DISTRICT
8299 Market St.
Boardman, OH 44512

For the Township:

BOARDMAN TOWNSHIP
8299 Market St.
Boardman, OH 44512

8. **ENTIRE AGREEMENT, MODIFICATION**

This Agreement contains the entire agreement between the parties and may only be modified by written agreement executed by both parties, except for an increase in compensation to the Township, as discussed herein.

9. **BINDING EFFECT**

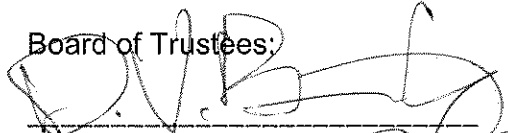
This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns where permitted by this Agreement.

10. **LEGAL CONSTRUCTION**


This Agreement shall be construed under and in accordance with the laws of the State of Ohio.

ABC WATER AND STORM WATER DISTRICT

Board of Trustees:



Daniel Bienko



Michael Dockry

Abstained
Jason Loree

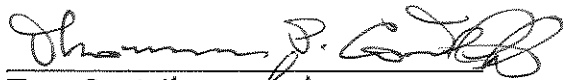
11-18-2010
Date

BOARDMAN TOWNSHIP

Board of Trustees:



Brad Calhoun



Tom Costello



Larry Moliterno

11-22-2010

Date

ABC WATER AND STORM WATER DISTRICT

**PUBLIC NOTICE
NOTICE OF REGULAR MEETINGS FOR 2011**

The ABC Water and Storm Water District Board of Trustees will conduct Regular Meetings for the calendar year 2011 on the fourth Thursday of each month, unless noted otherwise, in accordance with the Ohio Sunshine Law and the Open Meetings Act.

All meetings will take place as listed below, unless otherwise adjusted by public notice.

All meetings will be held at 1:00 p.m. at the Boardman Township Government Center, 8299 Market Street, Boardman, Ohio, unless adjusted through public notice, as follows:

January 27, 2011

February 24, 2011

March 24, 2011

April 28, 2011

May 26, 2011

June 23, 2011

No Meeting Scheduled for July

August 25, 2011

September 22, 2011

October 27, 2011

November 17, 2011 (Scheduled one week earlier due to Thanksgiving Holiday)

December 15, 2011 (Scheduled one week earlier due to Christmas Holiday)

**Jason Loree, Secretary
ABC Water and Storm Water District**

Release Date: November 19, 2010

MINUTES OF MEETING HELD DECEMBER 16, 2010

At a regular meeting of the Board of Trustees of the ABC Water & Storm Water District, Mahoning County, Ohio, held on the above date at 1:00 p.m., the following members were present: Mr. Daniel V. Bienko, and Mr. Jason Loree. Mr. Michael Dockry was absent. The public and news media were given proper notice regarding this meeting.

RESOLUTION 10-12-16-01: Motion was made by Mr. Loree to approve the Minutes of the Regular Meeting held November 18, 2010.
Seconded by Mr. Bienko.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Bienko	X	

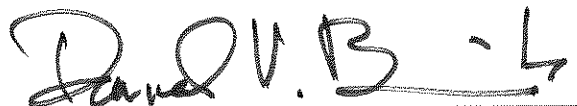
Under Old Business, Mr. Loree stated that eight bids were received for the Request for Qualifications for Engineering Firms. The firms who bid are: Michael Benza & Associates, Dallis Dawson and Associates, CDM, Lennon, Smith, Souleret Engineering, AMEC, W.E. Stilson Consulting Group, EMH&T, and Sands Decker with Buckeye Civil Division. The board will now score the proposals and present the top three bidders at their next board meeting on January 27, 2011, with consideration being given to inviting the top three bidders in for an interview.

In addition, a discussion regarding board compensation ensued with it being tabled for the next meeting. A discussion then ensued regarding the Errors and Omissions insurance. Mr. George Platton will produce for the board a condensed explanation of the insurance coverage packages that have been presented. Lastly, the status of adding territory to the ABC Water & Storm Water district is still in process.


Under New Business, discussion ensued regarding the creation of a website and ordering business cards and letterhead.

RESOLUTION 10-12-16-02: Motion was made by Mr. Loree to adjourn at 1:47 p.m.
Seconded by Mr. Bienko

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Bienko	X	



Daniel V. Bienko
President



Jason Loree
Secretary