

REGULAR SESSION DECEMBER 13, 2021

This day the Board of Morrow County Commissioners met in their office at 80 North Walnut St., Ste. A, Mt. Gilead, Ohio with the following members present: Mr. Abraham, Mr. Whiston and Mr. Siegfried.

Public in attendance: John Harsch (EMA), Joe Carroll (Airport), Andy Ware (Development), Mike Goff (Treasurer), Brent Russell (Planning/Zoning), Glen Marzluf (Del Co) and Kristina Dye (Del Co) and Mr. Cleveland.

The meeting was opened with prayer and pledge of allegiance to the flag, and then called to order by Mr. Whiston, who then proceeded with the business at hand. The following matters came before the Board for their consideration and approval.

**IN THE MATTER OF
APPROVAL OF THE MINUTES
OF REGULAR SESSION OF DECEMBER 6, 2021: 21-R-853**

Mr. Siegfried made a motion to approve the minutes of regular session of December 6, 2021, as recorded in the Commissioners Journal # 49.

Mr. Abraham duly seconded this motion

Roll Call Vote: ...,Mr. Abraham..., "yea" ...,Mr. Siegfried..., "yea" .., Mr. Whiston..., "yea"

**IN THE MATTER OF
APPROVAL OF BILLS FOR PAYMENT: 21-R-854**

Mr. Whiston made a motion to approve payment of bills numbered 1 through 266 submitted by the Morrow County Auditor's office.

Mr. Abraham duly seconded this motion

Roll Call Vote: ...,Mr. Abraham..., "yea" ...,Mr. Siegfried..., "yea" .., Mr. Whiston..., "yea"

**IN THE MATTER OF
PAY-INS: 21-R-855**

The following pay-ins were made to Patricia K. Davies, Morrow County Auditor:

- Receipt # 213212 Payment from Morrow County JFS for December 2021 Rent Payment fund 2072-1070-470802 \$20,745.08.
- Receipt Batch #2249 Payments received from Chesterville customers for sewer fund 5159 \$360.00
Payments received from Johnsville customers for sewer fund 5100 \$295.00
Payments received from Ketterman customers for sewer fund 5121 \$111.68
Payments received from Somoco customers for sewer fund 5110 \$146.29
- Receipt Batch #2253 Payments received from Chesterville customers for sewer fund 5159 \$120.00
Payments received from Johnsville customers for sewer fund 5100 \$118.00
Payments received from Somoco customers for sewer fund 5110 \$153.34
- Receipt Batch #2255 Payments received from Chesterville customers for sewer fund 5159 \$54.00
Payments received from Johnsville customers for sewer fund 5100 \$123.90
- Receipt #213264 Payment from Lawrence & Sarah Babich for sale of County Property fund 1000-1090-480804 \$200.00
- Receipt Batch #2256 Payments received from Chesterville customers for sewer fund 5159 \$147.75
Payments received from Johnsville customers for sewer fund 5100 \$112.10
Payments received from Somoco customers for sewer fund 5110 \$3,261.13

**IN THE MATTER OF
APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – GENERAL
FUND/SOCIAL SERVICES FUND: 21-A-184**

At the request of Windy Tennant, Assistant Fiscal Clerk, a motion was made by Mr. Abraham to appropriate from the unappropriated certified monies to the following accounts for the new maintenance truck to be equipped for snow plowing:

1000-0117-530325	Vehicle Maintenance & Repair – WP	\$ 1,012.86
1000-0118-530325	Vehicle Maintenance & Repair – CH	\$ 1,012.86
1000-0119-530325	Vehicle Maintenance & Repair - SO	\$ 1,012.86
2072-0172-530325	Vehicle Maintenance & Repair - CSB	\$ 1,012.86

Mr. Siegfried duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston.., “yea”

**IN THE MATTER OF
APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – GENERAL FUND,
LAW ENFORCEMENT: 21-A-185**

At the request of Melissa Caldwell, Sheriff Office, a motion was made by Mr. Whiston to appropriate from the unappropriated certified monies to the following accounts for payroll 12/10/21:

1000-9019-510190	Overtime	\$2,560.70
1000-9019-510211	PERS	\$5,449.76

Mr. Abraham duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston.., “yea”

**IN THE MATTER OF
APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – SHERIFF FUND 2966
OUTSIDE HOUSING: 21-A-186**

At the request of Melissa Caldwell, Sheriff Office, a motion was made by Mr. Siegfried to appropriate from the unappropriated certified monies to the following account for payroll 12/10/21:

2966-9666-510190	Overtime	\$16,478.59
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Mr. Abraham duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston.., “yea”

**IN THE MATTER OF
APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – COMMON PLEAS
FUND 2641 MCSAC COURT SUPPORT SERVICES: 21-A-187**

At the request of Darlene Morehart, Fiscal Coordinator, a motion was made by Mr. Siegfried to appropriate from the unappropriated certified monies to the following account:

2641-6500-510120	Employee Wages	\$2,000.00
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Mr. Abraham duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston.., “yea”

**IN THE MATTER OF
APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – MCAT FUND
2061: 21-A-188**

At the request of Jaime Zeger, MCAT Fiscal Supervisor, a motion was made by Mr. Whiston to appropriate from the unappropriated certified monies to the following accounts:

2061-0163-530345	MCAT Administration Legal Advertising	\$130.00
2061-0163-530346	MCAT Administration Copier Lease	\$140.00
2061-0163-530340	MCAT Administration Communications/Printing	\$700.00

Mr. Abraham duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston.., “yea”

**IN THE MATTER OF
 APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – MCAT FUND
 2065: 21-A-189**

At the request of Jaime Zeger, MCAT Fiscal Supervisor, a motion was made by Mr. Siegfried to appropriate from the unappropriated certified monies to the following accounts:

2065-0161-510120	Mobility Management Employee Wages	\$5,100.00
2065-0161-510211	Mobility Management OPERS	\$1,000.00
2065-0161-550730	Mobility Management Improvement of Sites	\$4,000.00
2065-0161-550740	Mobility Management Equipment/Computers/Furniture	\$575.00

Mr. Abraham duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston.., “yea”

**IN THE MATTER OF
 APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – RECYCLING
 FUND 2007 OEPA GRANT: 21-A-190**

At the request of Lindsey Grimm, Recycling & Litter Prevention, a motion was made by Mr. Abraham to appropriate from the unappropriated certified monies to the following account to cover costs for the recycle bins used for 2021 Recycle Right Challenge:

2007-2006-550740	Equipment/Computers/Furniture	\$245.10
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Mr. Siegfried duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston.., “yea”

**IN THE MATTER OF
 TRANSFER OF FUNDS – GENERAL FUND, FACILITY REPAIRS & MAINTENANCE
 JAIL: 21-T-148**

At the request of Windy Tennant, Assistant Clerk, a motion was made by Mr. Whiston to approve the following transfer of funds:

**Reason – To pay invoice for repairs to water softening system. Funds depleted in this account.

From 1000-0635-530321 Juvenile Housing to 1000-0119-530323 Facility Repairs & Maintenance in the amount of \$4306.62

Mr. Siegfried duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston.., “yea”

**IN THE MATTER OF
 TRANSFER OF FUNDS – GENERAL FUND, COURTHOUSE: 21-T-149**

At the request of Windy Tennant, Assistant Clerk, a motion was made by Mr. Siegfried to approve the following transfer of funds:

**Reason – To pay invoices for rug rental at Courthouse

From 1000-0118-530323 Facility Repairs & Maintenance Courthouse to 1000-0118-530300 Purchased Services Courthouse in the amount of \$265.70.

Mr. Abraham duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston.., “nay”

**IN THE MATTER OF
 TRANSFER OF FUNDS – GENERAL FUND, BOARD OF ELECTIONS: 21-T-150**

At the request of April Brown, Deputy Director, a motion was made by Mr. Abraham to approve the following transfer of funds:

**Reason – reservations for the Secretary of State Summer Conference for staff and board members

From 1000-0016-530315 Pollworkers to 1000-0016-520330 Travel and Training in the amount of \$1,901.83

Mr. Siegfried duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston..., “yea”

**IN THE MATTER OF
TRANSFER OF FUNDS – JOB AND FAMILY SERVICES FUND 2101 CHILD
SUPPORT: 21-T-151**

At the request of Sundie Brown, Director, a motion was made by Mr. Whiston to approve the following transfer of funds:

**Reason – need appropriation for year-end payroll expenses

From 2101-1010-530310 CSEA Professional Services to 2101-1010-510120 CSEA Employee Wages in the amount of \$3,000.00

From 2101-1010-530310 CSEA Professional Services to 2101-1010-510211 CSEA OPERS Employer Share in the amount of \$100.00

Mr. Abraham duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston..., “yea”

**IN THE MATTER OF
TRANSFER OF FUNDS – GENERAL FUND, AUDITOR IT: 21-T-152**

At the request of Patricia Davies, Morrow County Auditor, a motion was made by Mr. Whiston to approve the following transfer of funds:

From 1000-7007-540400 Supplies and Materials to 1000-7007-540400 Misc Reimbursement in the amount of \$30.00

Mr. Siegfried duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston..., “yea”

**IN THE MATTER OF
TRANSFER OF FUNDS – SEWER ACCOUNTS: 21-T-153**

Mr. Whiston made a motion to approve the following transfer of funds:

**Reason – to pay invoice from Software Solutions for personal post live training with the Assistant Clerk

From 5100-5101-530310 Johnsville Professional Services to 5100-5101-520330 Johnsville Training & Travel in the amount of \$300.00

From 5110-5101-530310 Somoco Professional Services to 5110-5101-520330 Somoco Training & Travel in the amount of \$300.00

From 5121-5101-530370 Ketterman Sewer Service Fees (Galion) to 5121-5101-520330 Ketterman Training & Travel in the amount of \$300.00

From 5159-5101-550745 Chesterville Computer Software to 5159-5101-520330 Chesterville Training & Travel in the amount of \$300.00

Mr. Abraham duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston..., “yea”

**IN THE MATTER OF
TRANSFER OF FUNDS – GENERAL FUND, PROSECUTOR: 21-T-154**

At the request of Thomas Smith, Prosecutor, a motion was made by Mr. Siegfried to approve the following transfer of funds:

**Reason – to fully use monies available to pay invoices

From 1000-4447-530335 Program Services to 1000-4447-540410 Office Supplies in the amount of \$431.06

Mr. Whiston duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston..., “yea”

**IN THE MATTER OF
TRANSFER OF FUNDS – GENERAL FUND, JURY: 21-T-155**

Mr. Whiston made a motion to approve the following transfer of funds:

**Reason – to pay invoice for printing of jury questionnaires

From 1000-0053-530390 Memorial Day Grant to 1000-0051-530344 Printing in the amount of \$170.00
From 1000-0101-530300 Purchased Services to 1000-0051-530344 Printing in the amount of \$43.00

Mr. Siegfried duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston..., “yea”

**IN THE MATTER OF
TRANSFER OF FUNDS – COMMON PLEAS FUND 2640 MS – YOUTH SERVICE: 21-T-156**

At the request of Darlene Morehart, Fiscal Coordinator, a motion was made by Mr. Siegfried to approve the following transfer of funds:

**Reason – to ensure the last two pay periods of 2021 have enough funds as needed to cover payroll

From 2640-6460-510120 Employee Wages to 2640-6430-510120 Employee Wages in the amount of \$8,000.00

From 2640-6460-510120 Employee Wages to 2640-6430-510211 OPERS in the amount of \$1,000.00

Mr. Abraham duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston..., “yea”

**IN THE MATTER OF
ANNUAL COUNTY HIGHWAY SYSTEM MILEAGE CERTIFICATION: 21-R-856**

WHEREAS, as certified by the Board of County Commissioners and/or reported by the Director of Transportation in accordance with the provisions specified in Section 4501.04 of the Ohio Revised Code, the total certified mileage, at the end of calendar year 2020, in Morrow County was 376.074 miles; and

WHEREAS, after consideration of all mileage adjustments during Calendar Year 2021 and determine the net increase due to a manual mileage adjustment due to a rounding error, Mr. Abraham made a motion to hereby certify a total of 376.078 miles of public road in Morrow County.

Mr. Siegfried duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston..., “yea”

**IN THE MATTER OF
RESOLUTION APPROVING SUNDIE BROWN, DIRECTOR OF MORROW COUNTY JOB**

AND FAMILY SERVICES TO ACT ON BEHALF OF THE COMMISSIONERS DURING INTER-COUNTY TRANSFER OF ALLOCATED FUNDS: 21-R-857

WHEREAS, changes in Ohio Administrative Code Section 5101:9-6-82 in which permits a County Department of Job and Family Services Director to accept and release funds between counties; and

WHEREAS, in accordance with the current changes in the Ohio Administrative Code Section 5101:9-6-82 has now granted the Board of Commissioners the authority to assign to the Director of the County Family Service Agency (CFSA) to serve as their designee, thereby granting the Director the authority to sign the inter-county adjustment agreement on behalf of the County; and

WHEREAS, with the changing of the allocated funding this authority will allow the Director to act on opportunities to utilize other funding, while releasing funding to other counties that our county is not able to utilize to ensure that each CDJFS will be able to serve the people of their county to the fullest extent possible;

NOW, THEREFORE, BE IT RESOLVED by the Board of Morrow County Commissioners that: Mr. Whiston made a motion pursuant to 5101:9-6-82 (Inter-County Adjustment of Allocations) of the Administrative Code publicized by the Ohio Department of Job and Family Services; the Director (Sundie Brown) of the Morrow County Department of Job and Family Services, [aka the County Family Service Agency, (CFSA)], is the authorized designee to sign the inter-county adjustment of allocations form for, all funds handled through said agency, on behalf of the county. Mrs. Brown is required to provide written notification to the Commission President, each time this specific designated authority is utilized. Said designation is in effect January 1, 2022 through December 31, 2022 and cannot be further designated without prior approval of the Commissioners.

Mr. Abraham duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., "yea" ..,Mr. Siegfried..., "yea" .., Mr. Whiston..., "yea"

**IN THE MATTER OF
RESOLUTION APPROVING TRAVEL & OVERNIGHT LODGING FOR SUNDIE BROWN,
DIRECTOR, MCJFS DURING 2022: 21-R-858**

WHEREAS, travel is necessary for the person holding the position of Director of Morrow County Job and Family Services in order to attend trainings, conferences and committee meetings. At time, overnight lodging is needed as it is not cost effective to travel to and from home in an overnight situation;

THEREFORE, BE IT RESOLVED, Mr. Whiston made a motion that Sundie Brown, Director of Morrow County Job and Family Services, is authorized to determine appropriate attendance, mode of travel and lodging as deemed necessary and beneficial to the Agency.

Mr. Siegfried duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., "yea" ..,Mr. Siegfried..., "yea" .., Mr. Whiston..., "yea"

**IN THE MATTER OF
A RESOLUTION APPROVING PRE-RETIREMENT VACATION LEAVE CONVERSION
FOR EMPLOYEES OF THE MORROW COUNTY JOB & FAMILY SERVICES: 21-R-859**

WHEREAS, the Morrow County Job and Family Services established a pre-retirement vacation leave conversion plan, a copy of which is hereto attached. Whereby, the cost for such conversion plan is borne entirely by the Morrow County Job and Family Services;

NOW, THEREFORE, Mr. Whiston made a motion that the Board of County Commissioners of Morrow County, Ohio upon review of the Morrow County Job and Family Services pre-retirement vacation leave conversion plan, does hereby grant approval for the adoption of the Plan and instructs the Director to notify the Ohio Public Employees Retirement System of the adoption of the Plan for the Morrow County Department of Job and Family Services.

Mr. Abraham duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., "yea" ..,Mr. Siegfried..., "yea" .., Mr. Whiston..., "yea"

**IN THE MATTER OF
A RESOLUTION APPROVING PRE-RETIREMENT VACATION LEAVE CONVERSION
FOR EMPLOYEES OF THE MORROW COUNTY AREA TRANSIT: 21-R-860**

WHEREAS, the Morrow County Area Transit established a pre-retirement vacation leave conversion plan, a copy of which is hereto attached. Whereby, the cost for such conversion plan is borne entirely by the Morrow County Area Transit;

NOW, THEREFORE, Mr. Abraham made a motion that the Board of County Commissioners of Morrow County, Ohio upon review of the Morrow County Area Transit pre-retirement vacation leave conversion plan, does hereby grant approval for the adoption of the Plan and instructs the Director to notify the Ohio Public Employees Retirement System of the adoption of the Plan for the Morrow County Area Transit.

Mr. Siegfried duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston.., “yea”

**IN THE MATTER OF
APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE MORROW
COUNTY AUDITOR AND THE MORROW COUNTY COMMISSIONERS AND THE
MORROW SOIL AND WATER CONSERVATION DISTRICT: 21-R-861**

Mr. Whiston made a motion to approve the following Memorandum of Understanding:

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE MORROW COUNTY AUDITOR
AND THE MORROW COUNTY COMMISSIONERS
AND THE MORROW SOIL AND WATER CONSERVATION DISTRICT**

This memorandum of understanding is entered into on the 1st day of December, 2021, by and between the Morrow County Auditor whose principal place of business is 48 East High Street, Mt. Gilead, Ohio (hereinafter referred to as the “Auditor”), the Morrow County Commissioners whose principal place of business is 80 North Walnut Place, Mt. Gilead, Ohio (hereinafter referred to as the “Commissioners”), and the Morrow Soil and Water Conservation District, a soil and water conservation district organized and existing under the laws of the State of Ohio, whose principal place of business is 5362 US Highway 42, Suite 2020, Mt. Gilead, Ohio, (hereinafter called the “District”).

WITNESS IT THEREFORE

Whereas, Agriculture is an important industry in Morrow County and it is in the best interest of the Auditor, Commissioners and District to promote agriculture commerce, and

Whereas, the Current Agricultural Use Valuation (“CAUV”) program provides important economic benefits to agricultural landowners helping to stabilize the agricultural economy of the county, and

Whereas, the Auditor is responsible for the implementation of the Current Agricultural Use Valuation program; and

Whereas, the Auditor is compelled to perform regular compliance checks for the CAUV program insuring landowners compliance with CAUV rules; and

Whereas, the District has the required technical knowledge and capability to perform such compliance checks; and

Whereas, the District through the support of the Commissioners has staff resources to provide technical assistance to landowners on the behalf of the Auditor for the CAUV program; and

Whereas, recognizing this mutual concern and responsibility, the Auditor, Commissioners and the District set forth their responsibilities in the Memorandum of Understanding.

It is therefore agreed:

1. THE AUDITOR SHALL:
 - a. Cooperate with the District in the development and implementation of a program that will both assist and educate landowners in the aspects of the CAUV program.
 - b. Within the limitations of his/her authorities and resources, cooperate with the Commissioners to provide financial resources to be utilized by the District that will enable the District to provide additional technical assistance to the Auditor for the review of CAUV applications.
 - c. Communicate regularly with District personnel to ensure that the Auditor's needs are being met in regards to recording requirements on the review of CAUV applications.
 - d. Within the limitations of his/her resources, provide to the County Commissioners funds equivalent to \$25.00 for each CAUV application to be reviewed (maximum of \$5,000.00) for appropriation by the Commissioners to the District. An addendum to this agreement shall be prepared annually that establishes the current number of applications to be reviewed.
2. THE DISTRICT SHALL:
 - a. Work with the Auditor by evaluating properties that are enrolled in the CAUV program by completing onsite field inspections as requested by the Auditor.
 - b. Complete inspections for parcels enrolled in timber production or in USDA conservation programs for compliance in the CAUV program as requested.
 - c. Submit a report of findings from inspections to the Auditor to include verification of USDA program compliance or a land use dedicated to timber production.
 - d. Provide all reports and documents to the Auditor within required timelines as specified by the Auditor.
 - e. Promote Best Management Practices for the sustainable use of existing forestlands for timber production to landowners participating in the CAUV program.
3. THE COMMISSIONERS SHALL:
 - a. Within the limitations of their authorities and resources, work cooperatively with the Auditor and District to appropriate funds sufficient to allow the implementation of this memoranda.
4. IT IS MUTUALLY AGREED:
 - a. That the Auditor, District, and Commissioners will cooperatively work together to develop and implement all aspects of this memorandum.
 - b. That the District is a conservation technical and educational service agency and therefore is not granted regulatory authority in the Ohio Revised Code.
 - c. That the Auditor, under authority granted in the Ohio Revised Code, is responsible for The implementation of the CAUV program and is therefore responsible for all regulatory decisions and actions that may arise from this memorandum.
 - d. That the working relationship is defined to include open lines of communications with all appropriate personnel and departments.
 - e. That the Auditor, Commissioners, and District will work together to determine whether any changes to this memorandum are needed for any future agreements.
 - f. That the Auditor and District will meet when necessary to review and coordinate activities and efforts pertinent to this memorandum.
 - g. That this memorandum may be amended or terminated at any time with mutual consent of all parties. The memorandum may also be terminated by either party by giving sixty (60) days' notice in writing to the other.
 - h. That this memorandum is in effect for the period of January 1, 2022 through December 31, 2022.
 - i. That this memorandum shall be interpreted according to the laws of the State of Ohio.

IN WITNESS WHEREOF, the parties shall have hereunto set their respective hands and seals this 1st day of December 2021.

MORROW COUNTY AUDITOR
s/Pat K. Davies

MORROW SOIL & WATER CONSERVATION DISTRICT
s/ Larry Leonhard

MORROW COUNTY COMMISSIONERS
s/Tom E. Whiston
s/Tim D. Abraham
s/Timothy R. Siegfried

Revised and approved to form: MORROW COUNTY PROSECUTOR
s/ Thomas Smith

Mr. Siegfried duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston.., “yea”

**IN THE MATTER OF
APPROVAL OF MATCHING FUNDS FOR THE MORROW COUNTY NATURAL
HAZARDS MITIGATION PLAN: 21-R-862**

WHEREAS, as a potential sub-grantee of the Pre-Disaster Mitigation Grant Program the Morrow County Commissioners hereby commit the matching funds necessary for the Morrow County Natural Hazards Mitigation Plan; and

WHEREAS, upon FEMA anticipated approval, Morrow County is responsible for 12.5% of the total project and intends to utilize non-federal funds to meet their match. Morrow County’s share of the project is \$2,475.00; and

WHEREAS, the Morrow County Commissioners understand the responsibilities of a sub-grantee in the Pre-Disaster Mitigation Grant Program and hereby authorize the use of these non-federal funds for this proposed project.

THEREFORE, Mr. Whiston made a motion to approve committing the matching funds necessary for the Morrow County Natural Hazards Mitigation Plan as recommended by John Harsch, EMA Director.

Mr. Siegfried duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston.., “yea”

**IN THE MATTER OF
APPROVAL TO RECESS SESSION: 21-R-863**

Mr. Abraham made a motion to recess session at 9:47 a.m.

Mr. Whiston duly seconded this motion.

Roll Call Vote: ...,Mr. Abraham..., “yea” ...,Mr. Siegfried..., “yea” .., Mr. Whiston.., “yea”

**IN THE MATTER OF
APPROVAL TO RETURN TO REGULAR SESSION: 21-R-864**

Mr. Whiston made a motion to return to regular session at 11:07 a.m.

Mr. Siegfried duly seconded this motion.

Roll Call Vote: ...,Mr. Abraham..., “yea” ...,Mr. Siegfried..., “yea” .., Mr. Whiston..., “yea”

**IN THE MATTER OF
 APPROVAL OF ENTERPRISE FLEET MANAGEMENT MASTER EQUITY LEASE
 AGREEMENT AND APPROVAL FOR CHAIRMAN TO SIGN: 21-R-865**

Mr. Siegfried made a motion to approve the following Enterprise Master Equity Lease Agreement and approval for Chairman Tom E. Whiston to sign:

**ENTERPRISE
 FLEET MANAGEMENT
 MASTER EQUITY LEASE AGREEMENT**

This Master Equity Lease Agreement is entered into this 13th day of December 2021, by and between Enterprise FM Trust, a Delaware statutory trust (“Lessor”), and the lessee whose name and address is set forth on the signature page below (“Lessee”).

1. LEASE OF VEHICLES: Lessor hereby leases to Lessee and Lessee hereby leases from Lessor the vehicles (individually, a “Vehicle” and collectively, the “Vehicle”) described in the schedules from time to time delivered by Lessor to Lessee as set forth below (“Schedules(s)”) for the rentals and on the terms set forth in this Agreement and in the applicable Schedule. References to this “Agreement” shall include this Master Equity Lease Agreement and the various Schedules and addenda to this Master Equity Lease Agreement. Lessor will, on or about the date of delivery of each Vehicle to Lessee, send Lessee a Schedule covering the Vehicle, which will include, among other things, a description of the Vehicle, the lease term and the monthly rental and other payments due with respect to the Vehicle. The terms contained in each such Schedule will be binding on Lessee unless Lessee objects in writing to such Schedule within ten (10) days after the date of delivery of the Vehicle covered by such Schedule. Lessor is the sole legal owner of each Vehicle. This Agreement is a lease only and Lessee will have no right, title or interest in or to the Vehicles except for the use of the Vehicles as described in this Agreement. This Agreement shall be treated as a true lease for federal and applicable state income tax purposes with Lessor having all benefits of ownership of the Vehicles. It is understood and agreed that Enterprise Fleet Management, Inc. or an affiliate thereof (together with any subservicer, agent, successor or assign as servicer on behalf of Lessor, “Servicer”) may administer this Agreement on behalf of Lessor and may perform the service functions herein provided to be performed by Lessor.

2. TERM: The term of this Agreement (“Term”) for each Vehicle begins on the date such Vehicle is delivered to Lessee (the “Delivery Date”) and, unless terminated earlier in accordance with the terms of this Agreement, continues for the “Lease Term” as described in the applicable Schedule.

- 3. RENT AND OTHER CHARGES
- 4. USE AND SURRENDER OF VEHICLES
- 5. COSTS, EXPENSES, FEES AND CHARGES
- 6. LICENSE AND CHARGES
- 7. REGISTRATION PLATES, ETC.
- 8. MAINTENANCE OF AND IMPROVEMENTS TO VEHICLES
- 9. SELECTION OF VEHICLES AND DISCLAIMER OF WARRANTIES
- 10. RISK OF LOSS
- 11. INSURANCE
- 12. INDEMNITY
- 13. INSPECTION OF VEHICLES; ODOMETER DISCLOSURE; FINANCIAL STATEMENTS
- 14. DEFAULT; REMEDIES
- 15. ASSIGNMENTS
- 16. MISCELLANEOUS
- 17. SUCCESSORS AND ASSIGNS; GOVERNING LAW
- 18. NON-PETITION
- 19. NON-APPROPRIATION

IN WITNESS WHEREOF, Lessor and Lessee have duly executed this Master Equity Lease Agreement as of the day and year first above written:

Approved as to Form:
 s/David Homer, Morrow County Assistant Prosecutor

11/30/2021

s/Lessee: Morrow County, Ohio
 Tom E. Whiston, Morrow County Commissioner Chairman

s/Lessor: Enterprise FM Trust
Enterprise Fleet Management, Inc. its attorney in fact

s/Bryan Lenihan, Director Fleet Management

**A complete of copy of this agreement will be on file with the Morrow County Commissioner's office

Mr. Abraham duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., "yea" ..,Mr. Siegfried..., "yea" .., Mr. Whiston..., "yea"

**IN THE MATTER OF
APPROVAL OF ENTERPRISE FLEET MANAGEMENT AMENDMENT TO MASTER
EQUITY LEASE AGREEMENT AND APPROVAL FOR CHAIRMAN TO SIGN: 21-R-866**

Mr. Abraham made a motion to approve the Enterprise Fleet Management amendment to Master Equity Lease Agreement and approval for Chairman Tom E. Whiston to sign:

**ENTERPRISE
FLEET MANAGEMENT
AMENDMENT TO MASTER EQUITY LEASE AGREEMENT**

THIS AMENDMENT ("Amendment") dated this 13th day of December, 2021 is attached to, and made a part of the MASTER EQUITY LEASE AGREEMENT entered into on the 13th day of December, 2021 ("Agreement") by and between Enterprise FM Trust, a Delaware statutory trust ("Lessor") and Morrow County, Ohio ("Lessee"). This Amendment is made for good and valuable consideration, the receipt of which is hereby acknowledged by the parties.

Section 12 of the Master Equity Lease Agreement is amended to read as follows:

RESPONSIBILITY: To the extent permitted by state law, Lessee shall be responsible for any and all losses that Lessor incurs, or claims, demands, or rights of action that may be asserted at any time against Lessor, which arise as a result of (i) Lessee's breach of this Agreement; (ii) the use, operation or condition of any of the Vehicles, or (iii) Lessee's lease of the Vehicles pursuant to this Agreement. The provisions of this Section 12 shall survive any expiration or termination of this Agreement. Nothing herein shall be deemed to affect the rights, privileges, and immunities of Lessee and the foregoing indemnity provision is not intended to be a waiver of any sovereign immunity afforded to Lessee pursuant to the Ohio law.

Section 17 of the Master Equity Lease Agreement is amended to read as follows:

Subject to the provisions of Section 15, this Agreement will be binding upon Lessee and its heirs, executors, personal representatives, successors and assigns, and will inure to the benefit of Lessor, Servicer, any other agent of Lessor and their respective successors and assigns. This Agreement will be governed by and construed in accordance with the substantive laws of the State of Ohio (determined without reference to conflict or law principles).

All references in the Agreement and in the various Schedules and addenda to the Agreement and any other references of similar import shall henceforth mean the Agreement as amended by this Amendment. Except to the extent specifically amended by this Amendment, all of the terms, provisions, conditions, covenants, representations and warranties contained in the Agreement shall be and remain in full force and effect and the same are hereby ratified and confirmed.

IN WITNESS WHEREOF, Lessor and Lessee have executed this Amendment to Master Equity Lease Agreement as of the day and year first above written.

Approved as to Form:
s/David Homer, Morrow County Assistant Prosecutor

11/30/2021

s/Tom E. Whiston, Morrow County Ohio

s/Enterprise FM Trust (Lessor)

Mr. Siegfried duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., "yea" ..,Mr. Siegfried..., "yea" .., Mr. Whiston..., "yea"

**IN THE MATTER OF
APPROVAL OF ENTERPRISE FLEET MANAGEMENT MAINTENANCE
AGREEMENT AND APPROVAL FOR CHAIRMAN TO SIGN: 21-R-867**

Mr. Siegfried made a motion to approve the following Enterprise Fleet Management Maintenance Agreement and approval for Chairman Tom E. Whiston to sign:

**ENTERPRISE
FLEET MANAGEMENT
MAINTENANCE AGREEMENT**

This Maintenance Agreement (this "Agreement") is made and entered into this 13th day of December 2021, by Enterprise Fleet Management, Inc., a Missouri corporation ("EFM") and Morrow County, Ohio ("Lessee").

WITNESSETH

- 1. LEASE. Reference is hereby made to that certain Master Lease Agreement dated as of the 13th of December 2021, by and between Enterprise FM Trust, a Delaware statutory trust, as lessor ("Lessor"), and Lessee, as lessee (as the same may from time to time be amended, modified, extended, renewed, supplemented or restated, the "Lease"). All capitalized terms used and not otherwise defined in this Agreement shall have the respective meanings ascribed to them in the Lease.
- 2. COVERED VEHICLES
- 3. TERM AND TERMINATION
- 4. VEHICLE REPAIRS AND SERVICE
- 5. ENTERPRISE CARDS
- 6. PAYMENT TERMS
- 7. NO WARRANTIES.
- 8. LESSOR NOT A PARTY
- 9. NOTICES
- 10. MISCELLANEOUS

IN WITNESS WHEREOF, EFM AND Lessee have executed this Maintenance Agreement as of the day and year first above written.

Approved as to Form:

s/David Homer, Morrow County Assistant Prosecutor

11/30/2021

LESSEE: Morrow County, Ohio

EFM: Enterprise Fleet Management, Inc.

s/Tom E. Whiston, Chairman, Commissioners

s/Bryan Lenihan, Director Fleet Management

**A complete copy of this agreement will be on file with the Morrow County Commissioner's office

Mr. Abraham duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., "yea" ..,Mr. Siegfried..., "yea" .., Mr. Whiston..., "yea"

**IN THE MATTER OF
TRANSFER OF FUNDS – GENERAL FUND, WALNUT PLACE: 21-T-157**

At the request of Windy Tennant, Assistant Clerk, a motion was made by Mr. Siegfried to approve the following transfer of funds:

**Reason – To pay invoices for rug rental at Walnut Place

From 1000-0117-530323 Facility Repairs & Maintenance Walnut Place to 1000-0117-530300 Purchased Services Walnut Place in the amount of \$108.60.

Mr. Whiston duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., "yea" ..,Mr. Siegfried..., "yea" .., Mr. Whiston..., "yea"

**IN THE MATTER OF
TRANSFER OF FUNDS – GENERAL FUND, AIRPORT: 21-T-158**

Mr. Abraham made a motion to approve the following transfer of funds:

**Reason – to pay invoice to advertise RFQ

From 1000-0018-530323 Facility Repair and Maintenance to 1000-0018-530345 Legal Advertising in the amount of \$1,274.00

Mr. Siegfried duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston..., “yea”

**IN THE MATTER OF
TRANSFER OF FUNDS – FUND 4119 CORONAVIRUS RELIEF FUND: 21-T-159**

Mr. Abraham made a motion to approve the following transfer of funds:

**Reason – to move unencumbered money to reimb the General Fund for the morgue cooler purchased

From 4119-9019-530370 Outside Housing to 4119-0101-550740 Equipment in the amount of \$2,904.83

Mr. Whiston duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston..., “yea”

**IN THE MATTER OF
APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – FUND 4119
CORONAVIRUS RELIEF FUND: 21-A-191**

Mr. Whiston made a motion to appropriate from the unappropriated certified monies to the following account for reimb to General Fund for the morgue cooler purchased:

4119-0101-550740	Equipment	\$6,208.31
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Mr. Siegfried duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston..., “yea”

**IN THE MATTER OF
APPROVAL TO RECESS SESSION: 21-R-868**

Mr. Abraham made a motion to recess session at 11:11 a.m.

Mr. Whiston duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston..., “yea”

**IN THE MATTER OF
APPROVAL TO RETURN TO REGULAR SESSION: 21-R-869**

Mr. Whiston made a motion to return to regular session at 3:05 p.m.

Mr. Siegfried duly seconded this motion.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston..., “yea”

There being no further matters to bring before the board, a motion to adjourn was made by Mr. Abraham and duly seconded by Mr. Siegfried.

Roll Call Vote: ..,Mr. Abraham..., “yea” ..,Mr. Siegfried..., “yea” .., Mr. Whiston..., “yea”

We hereby certify the foregoing to be true and correct.

CHAIRMAN

CLERK

ASSISTANT CLERK

MORROW COUNTY COMMISSIONERS