

REGULAR SESSION FEBRUARY 14, 2022

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: Joe Carroll (Airport), Mike Goff (Treasurer) and Dixie Shinaberry (Recorder).

The meeting was opened with prayer and pledge of allegiance to the flag, and then called to order by Mr. Siegfried, 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 FEBRUARY 9, 2022: 22-R-131**

Mr. Whiston made a motion to approve the minutes of regular session of February 9, 2022, as recorded in the Commissioners Journal # 49.

Mr. Siegfried duly seconded this motion

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

**IN THE MATTER OF
APPROVAL OF BILLS FOR PAYMENT: 22-R-132**

Mr. Siegfried made a motion to approve payment of bills numbered 1 through 122 submitted by the Morrow County Auditor's office.

Mr. Abraham duly seconded this motion

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

**IN THE MATTER OF
PAY-INS: 22-R-133**

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

- Receipt Batch #2402 Payments received from Chesterville customers for sewer fund 5159 \$6,399.00
Payments received from Johnsville customers for sewer fund 5100 \$190.00
- Receipt Batch #2412 Payments received from Johnsville customers for sewer fund 5100 \$60.00
Payments received from Somoco customers for sewer fund 5110 \$319.18
- Receipt# 220383 Payment from Harmony Township for EMA services 2012-1050-450525 \$1,969.50
- Receipt Batch #2414 Payments received from Johnsville customers for sewer fund 5100 \$191.90
- Receipt# 220404 Payment from Job and Family Services for indirect costs Jan – March 2022 1000-1020-420212 \$15,563.50

**IN THE MATTER OF
APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – CLERK OF COURTS
CSEA FUND 2414: 22-A-023**

At the request of Kimberly Bood, Clerk of Courts, a motion was made by Mr. Abraham to appropriate from the unappropriated certified monies to the following account:

2414-4314-530300	Purchased Services	\$2,000.00
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Mr. Whiston duly seconded this motion.

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

**IN THE MATTER OF
TRANSFER OF FUNDS – WHETSTONE OPERATING FUND 2010: 22-T-016**

At the request of Collin Sanders, Board of DD, a motion was made by Mr. Whiston to approve the following transfer of funds:

**Reason – for the payments of retiring employees and leave payouts

From 2010-0500-510120 Employee Wages to 2010-0570-510213 Medicare – Personnel Liability in the amount of \$500.00

Mr. Siegfried duly seconded this motion.

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

**IN THE MATTER OF
APPROVAL OF AMENDED RENTAL LEASE AGREEMENT BETWEEN BOARD OF
MORROW COUNTY COMMISSIONERS AND MORROW COUNTY WHEELS TO WORK,
FOR BUILDING & GROUNDS AT 4565 COUNTY ROAD 9, CARDINGTON, OHIO: 22-R-134**

WHEREAS, the Morrow County Board of Commissioners (landlord) and the Morrow County Wheels to Work entered into a lease agreement for the use of the building and grounds at 4565 County Road 9, Cardington, Ohio; and

WHEREAS, the term of the lease agreement is for one year, commencing on January 1, 2022 and ending on December 31, 2022, using the monthly cost associated with the rental property as calculated below:

Annual Direct Expenses:	
Principal	\$15,000.00
Interest	\$ 4,036.20
Total	\$19,036.20
Plus 5% Maint Administrative cost	<u>\$ 951.81</u>
	\$19,988.01/12 = \$1,665.67
Total Rent Per Month	\$1,665.67
Total Rent Per Year	\$19,988.04

THEREFORE. Mr. Siegfried made a motion to approve the amended lease agreement as submitted.

Mr. Abraham duly seconded this motion.

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

**IN THE MATTER OF
APPROVAL OF AMENDED RENTAL LEASE AGREEMENT WITH
DEPARTMENT OF JOB AND FAMILY SERVICES FOR 2022: 22-R-135**

WHEREAS, the Morrow County Board of Commissioners (landlord) and the Morrow County Job & Family Services (tenant) have entered into a rental lease agreement for office space at 619 West Marion Road, Mt. Gilead, Ohio 43338; and

WHEREAS, the lease agreement is amended each year. The components of allowable rental cost shall be depreciated on a straight-line basis over the expected useful life of the building; maintenance; taxes; insurance and interest on related debt.

THEREFORE, Mr. Abraham made a motion to approve amending lease agreement with Job and Family Services:

Depreciation: \$158,500.00 x 73.15% = \$115,945.72 (tenant’s share of annual depreciation)
\$115,942.75/12 = \$9,661.90 per month (tenant’s monthly share of depreciation)

Capital Replacement value: \$4,650.00 x 73.15% = \$3,401.48

Annual Direct Expenses: \$201,955.10/12 = \$17,579.59 + 5,688.13 (2021 trueup) = \$23,267.72

Total Direct Expenses \$23,267.72 + **Depreciation** \$9,661.90 + **Capital Replacement** \$3,401.48 = **\$36,331.10 total rent per month 2022**

Annual Total: \$435,973.20

The amended agreement between the Morrow County Board of commissioners and the Morrow County Job and Family Services will be in effect January 1, 2022 through December 31, 2022.

Mr. Whiston duly seconded this motion.

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

**IN THE MATTER OF
RESOLUTION IN THE MATTER OF INCREASING THE FEES AND ESTABLISHING A
SCHEDULE OF FEES FOR COURT-APPOINTED COUNSEL FOR INDIGENT PERSONS:
22-R-136**

Mr. Whiston made a motion to adopt the following resolution to be effective for new cases on or after March 1, 2022:

RESOLUTION

WHEREAS, under the laws of the State of Ohio and the United States of America, Morrow County, Ohio must provide legal counsel for indigent individuals charged with offenses in the courts of Morrow County; and

WHEREAS, the Morrow County Commissioners have chosen to utilize the assigned counsel system under the authority of Ohio Revised Code Section 120.33; and

THEREFORE, the indigent fee schedule for Morrow County is a follows:

Trial Level Proceedings

1. **Reimbursement for representation in trial level cases not involving a death penalty specification will be made based on the maximum rate of \$60.00 per hour for out-of-court services and \$70.00 per hour for in-court services.**
2. **Reimbursement for representation in trial level cases involving a death penalty specification will be made based on the maximum rate of \$125.00 per hour for both in-court and out-of-court services.**

3. **The prescribed maximum fees permitted in trial level proceedings are:**

<u>Offense/proceeding</u>	<u>Fee Maximum</u>
Aggravated Murder (w/specs)	\$125.00 with no fee maximum
Aggravated Murder (w/o specs)	\$15,000 / 1 attorney
	\$25,000 / 2 attorneys
Murder	\$10,000
Felony with possible life sentence/repeat	\$10,000
Violent offender offender/major drug offender	
Felonies (degrees 1-2)	\$8,000
Felony (degree 3)	\$5,000
Felonies (degrees 4&5)	\$3,500
Misdemeanor (degrees 1-4)	\$2,000
Misdemeanor OVI/BAC	\$2,500
Contempt of Court	\$500
Violation (Probation/Community Control	\$750
Preliminary Hearings	\$300
Sex Offender Classification	\$750
Other	\$750

Juvenile proceedings

1. Reimbursement for representation in juvenile proceedings will be made based on the maximum rate of \$60.00 per hour for out-of-court services and \$70.00 per hour for in-court services.
2. Reimbursement will not be made for non-attorneys appointed as a guardian ad litem.
3. In abuse, dependency, and neglect cases, both the attorney and the guardian ad litem may bill up to the maximum fee allowed by the county for the initial dispositional hearing and each subsequent annual review hearing before the court.
4. The prescribed maximum fees permitted in juvenile level proceedings are:

<u>Offense/proceeding</u>	<u>Fee Maximum</u>
Aggravated murder (w/specs)	\$125 with no fee maximum
Aggravated murder (w/o specs)	\$7,500/1 attorney \$12,500/2 attorneys
Murder	\$6,000
Felony adjudication (degrees 1-2)	\$5,000
Felony adjudication (degrees 3-5)	\$3,500
Misdemeanor OVI/BAC	\$2,500
Misdemeanor	\$2,000
Traffic	\$300
Objections	\$750
Unruly	\$1,000
Bindover – Mandatory	\$750/1 attorney \$1,200/2 attorneys
Bindover – Discretionary	\$2,000/1 attorney \$3,000/2 attorneys
Reverse Bindover Amenability	\$1,500
SYO	Adult degree + 50%/2 attorneys
SYO Invocation	\$2,000/1 attorney \$3,000/2 attorneys
Adult in Juvenile Court	\$1,500
Violation (Probation/Community Control)	\$750
Violation (Parole/Supervised Release)	\$750
VCO	\$750
ADN Initial Custody	\$1,500
ADN Annual After Custody	\$1,500
Permanent Custody	\$2,500
Contempt of court	\$500
Purge Hearing	\$150
Sex Offender Classification/Reclassification/Declassification	\$750
Expungement	\$300
Other	\$750

Probate proceedings

Termination of parental rights	\$2,500
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Appellate level proceedings

1. Reimbursement for representation in appellate level proceedings not involving a death sentence shall be made based on the maximum rate of \$60.00 per hour for out-of-court services and \$70.00 per hour for in-court services.
2. Reimbursement for representation in appellate level proceedings involving a death sentence will be made based on the maximum rate of \$125.00 per hour for both in-court and out-of-court services.

3. The prescribed maximum fees permitted in appellate level proceedings are:

<u>Offense/proceeding</u>	<u>Fee Maximum</u>
Death Sentence	\$125 with no fee maximum
Cumulative Minimum Sentence exceeds 25 years	\$8,000
Felony (degrees 1-2) Trial	\$5,000
Felony (degree 3) Trial	\$3,500
Felony (degrees 4-5) Trial	\$2,500
Misdemeanor Trial	\$2,000
Felony Plea	\$1,500
Misdemeanor Plea	\$1,000
ADN Permanent Custody	\$3,500
Probate	\$3,500
Unruly	\$1,000
Other	\$1,000
26(B) Murnahan Felony (degrees 1-2) Trial	\$3,000
26(B) Murnahan Felony (degree 3) Trial	\$2,000
26(B) Murnahan Felony (degrees 4-5) Trial	\$1,000
OSC Jurisdiction Memorandum	\$1,500

Post conviction and habeas corpus proceedings

1. Reimbursement for postconviction and State habeas corpus proceedings not involving a death sentence will be made based on the maximum rate of \$60.00 per hour for out-of-court services and \$70.00 per hour for in-court services.
2. Reimbursement for representation in appellate level proceedings involving a death sentence will be made based on the maximum rate of \$125.00 per hour for both in-court and out-of-court services.
3. The prescribed maximum fees permitted in postconviction and habeas corpus proceedings are:

<u>Offense/proceeding</u>	<u>Fee maximum</u>
Death Sentence	\$125 with no fee maximum
Felony (degrees 1-2)	\$4,000
Felony (degree 3)	\$2,500
Felony (degrees 4-5)	\$1,750
Misdemeanor	\$1,500
Juvenile	\$2,500
State Habeas	\$1,500
Expungement	\$300
Judicial Release	\$500
Revocation	\$750
Driving Privileges	\$150
NGRI/Comp Review	\$750

Jail Time Credit	\$300
Resentencing	\$500
Sex Offender Reclassification	\$750
Withdrawal of Guilty Plea	\$1,000

Extraordinary fees

Cases eligible for extraordinary fees are ones which, because of extraordinarily complex issues, multiple offenses, lengthy trials, or other reasons, warrant compensation at a rate which exceeds the maximums established by a county or the Ohio Public Defender. Payment for extraordinary fees/hourly rates are subject to the following requirements and are hereby enacted:

Morrow County hereby provides for extraordinary fees/hourly rates in this fee resolution adopted pursuant to R.C. 120.33 (A)

Extraordinary fees must be clearly documented in the appropriate sections on the Motion, Entry, and Certification form. Extraordinary hourly rates should be obtained at the beginning of representation by the assigned counsel.

The Judge hearing the case must indicate approval of the extraordinary fees and/or hourly rates by checking the "Extraordinary Fees Granted" box in the Judgment Entry section on the front of the form, and a copy of the journal entry/entries must be attached.

Expenses

Payment for reasonable expenses requiring Court approval, such as transcript or experts, associated with providing representation shall be made by motion and approved by the judge in advance of incurring the expense and the amount thereof is determined to be reasonable by the judge.

Timely submission of forms

Pursuant to R.C. 120.33 (A)(4), all requests for reimbursement are due to the OPD within 90 days after the end of the month in which the case was finally disposed of or terminated (last day in court or entry filed from the last day in court) – with exceptions as stated in the Ohio Public Defender Standards and Guidelines For Appointed Counsel Reimbursement, Section 1 (S).

Requests for payment submitted after ninety (90) days will be reduced by the full amount of Office of Public Defender reimbursement lost due to the delay in submission; but will receive the remainder of the fee (if any apply).

Amendments to the Fee Schedule

Morrow County Commissioners may amend this fee schedule at any time. Whenever the schedule is amended or revised, a copy of the resolution amending the fee schedule is directed to be sent to the Ohio Public Defender along with notice to all courts and assigned counsel.

Prescribed forms

To receive reimbursement, counties must properly complete and submit the prescribed form to the Office of Public Defender as listed in Section 1 Standards and Guidelines for Appointed Counsel Reimbursement, Revised September 2021:

Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R)
Financial Disclosure form (OPD-206R) (Required in all cases)

All forms for reimbursement must be fully and properly completed or will be returned to the attorney which could impact timely submission for reimbursement to the County.

Mr. Siegfried duly seconded this motion.

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

**IN THE MATTER OF
APPROVAL TO RECESS SESSION: 22-R-137**

Mr. Siegfried made a motion to recess session at 9:14 a.m.

Mr. Abraham duly seconded this motion.

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

**IN THE MATTER OF
APPROVAL TO RETURN TO REGULAR SESSION: 22-R-138**

Mr. Siegfried made a motion to return to regular session at 1:43 p.m.

Mr. Abraham duly seconded this motion.

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

**IN THE MATTER OF
APPROVAL FOR CHAIRMAN TO SIGN AGREEMENT FOR PEST CONTROL
AT THE MORROW COUNTY DOG SHELTER: 22-R-139**

WHEREAS, the Morrow County Dog Shelter is experiencing some issues with mice and Mark Mathews, Maintenance Supervisor is recommending the services of a pest control company; and

WHEREAS, the scope of services from Orkin Pest Control is as follows and recommended by Mark:

Monthly:

- Inspection of all interior areas for pest activity and/or conditions conducive for pests.
- Inspection of all exterior areas for pest activity and/or conditions conducive for pests.
- Inspection and maintenance of all interior rodent devices
- Inspection and maintenance of all exterior rodent devices
- Inspection of pest activity monitor(s) for any pest activity
- Placement of pest activity monitor(s) to gauge any present or future pest activity

One-Time:

- Installation of rodent devices in necessary interior areas
- Installation of rodent devices in necessary exterior areas
- Sealing of any small gaps that could provide entry for pests
- Placement of bar code sticker(s) for accurate service documentation and online reporting

Total Initial Month \$178.00
Per Service Visit \$89.00

Special: Mass Trapping and Extra Treatment

We will be doing a mass trapping for mice. We will place the equipment on a Wednesday night at closing and pick back up Friday morning. We will also be placing 12 RTUs on the interior of your office area and 1 exterior bait station in the garage for a period of 30 days. After the 30 days the equipment will be removed. This will give us a controlled time frame to attack the mouse problem and not have a large presence of poison in the facility around the animals. We will also be placing bait in the wall cavity in the storage room and the attic to reach the mice that are living within the walls and ceiling.

One time job at a cost: \$190.00

THEREFORE, Mr. Whiston made a motion to approve the one time and monthly services by Orkin Pest Control at the Morrow County Dog Shelter as presented and approval for Chairman Timothy Siegfried to sign.

Mr. Siegfried duly seconded this motion.

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

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

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

We hereby certify the foregoing to be true and correct.

CHAIRMAN

CLERK

ASSISTANT CLERK

MORROW COUNTY COMMISSIONERS