

REGULAR SESSION NOVEMBER 8, 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: Tina Wright (Treasurer), Mike Goff (Treasurer), Sundie Brown (JFS) and Michelle Thieret (MCAT).

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 NOVEMBER 3, 2021: 21-R-783**

Mr. Abraham made a motion to approve the minutes of regular session of November 3, 2021, as recorded in the Commissioners Journal # 49.

Mr. Siegfried 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-784**

Mr. Whiston made a motion to approve payment of bills numbered 1 through 89 submitted by the Morrow County Auditor's office.

Mr. Siegfried duly seconded this motion

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

**IN THE MATTER OF
PAY-INS: 21-R-785**

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

- Receipt Batch #2181 Payments received from Chesterville customers for sewer fund 5159 \$280.00
- Payments received from Johnsville customers for sewer fund 5100 \$63.09
- Payments received from Ketterman customers for sewer fund 5121 \$50.26
- Payments received from Somoco customers for sewer fund 5110 \$95.02
- Receipt Batch #2185 Payments received from Chesterville customers for sewer fund 5159 \$550.00
- Payments received from Johnsville customers for sewer fund 5100 \$607.70
- Payments received from Somoco customers for sewer fund 5110 \$17.00
- Receipt# 212980 Payment from CORSA for Board of DD insurance claim water damage 2010-1020-420250 \$9,239.57
- Receipt# 212981 Payment from Green Savoree Mid Ohio for 2021 events by the Sheriff office 1000-1030-430309 \$2,000.00
- Receipt# 212982 Payment from Job and Family Services for November lease payment 2072-1070-470802 \$20,745.08
- Receipt# 212983 Payment from MCAT for Sept & Oct garage lease payment 3173-1070-470802 \$3,457.46
- Receipt Batch #2187 Payments received from Chesterville customers for sewer fund 5159 \$143.50
- Payments received from Somoco customers for sewer fund 5110 \$95.84

**IN THE MATTER OF
APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – PLANNING FUND
2050: 21-A-156**

At the request of Brent Russell, Planning/Zoning Director, a motion was made by Mr. Abraham to appropriate from the unappropriated certified monies to the following account to pay for purchase of audio equipment to record Regional Planning meetings:

2050-0125-550740	Audio Equipment	\$624.92
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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 – DOG & KENNEL
 FUND 2005: 21-A-157**

Mr. Siegfried made a motion to appropriate from the unappropriated certified monies to the following account to cover wages through the remainder of 2021

2005-0105-510130	Employee Wages	\$2,035.25
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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 – JOHNSVILLE FUND
 5100: 21-A-158**

Mr. Siegfried made a motion to appropriate from the unappropriated certified monies to the following account to cover cost allocation fees for Johnsville:

5100-5101-530302	Johnsville Sewer admin	\$637.51
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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 – SOMOCO FUND 5110:
 21-A-159**

Mr. Siegfried made a motion to appropriate from the unappropriated certified monies to the following account to cover cost allocation fees for Somoco:

5110-5101-530302	Somoco Sewer admin	\$1,316.51
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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 – CHESTERVILLE
 FUND 5159: 21-A-160**

Mr. Siegfried made a motion to appropriate from the unappropriated certified monies to the following account to cover cost allocation fees for Chesterville:

5159-5101-530302	Chesterville Sewer admin	\$1,585.51
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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 – FUND 3777
 EMPLOYER RETIREMENT RESOURCES: 21-A-161**

Mr. Whiston made a motion to appropriate from the unappropriated certified monies to the following account for retirement payout for Common Pleas employee:

3777-6109-510120	Employee Wages	\$18,880.92
3777-6109-510213	Medicare	\$273.77

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 – JOB AND FAMILY SERVICES FUND 2111 PUBLIC
ASSISTANCE: 21-T-116**

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

**Reason – need appropriation to move FCFC OCBF funds drawn into the PA fund to the FCFC fund for grant expenses (due to new funding process with ODJFS as overseer of Ohio FCFC program)

From 2111-1051-530335 PA NET Program Services to 2111-1058-530490 PA FCFC Reimburse Grants in the amount of \$15,750.00

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 – ENGINEER’S FUND 2202: 21-T-117**

At the request of Bart Dennison, Morrow County Engineer, a motion was made by Mr. Whiston to approve the following transfer of funds:

**Reason – additional funds are needed to pay Chip and Seal 2021

From 2202-2243-540440 Materials to 2202-2202-540452 Chip & Seal in the amount of \$20,560.80

Mr. Siegfried duly seconded this motion.

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

**IN THE MATTER OF
APPROVAL TO AMEND RESOLUTION# 21-R-782, BOARD OF COUNTY COMMISSIONER
EMPLOYEES PAY RATE ADJUSTMENT FOR 2021: 21-R-786**

WHEREAS, on November 3, 2021, the Morrow County Commissioners passed Resolution# 21-R-782, Board of County Commissioner Employees pay rate adjustment for 2021; and

WHEREAS, the resolution stated effective November 1, 2021, but needed to include the upcoming pay period which actually began on October 24, 2021;

THEREFORE, Mr. Whiston made a motion to adjust the effective date to October 24, 2021.

Mr. Siegfried duly seconded this motion.

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

**IN THE MATTER OF
APPROVAL FOR CHAIRMAN TO SIGN SETTLEMENT PARTICIPATION FORM FOR
JANSSEN OPIOID SETTLEMENT: 21-R-787**

Mr. Siegfried made a motion to approve Chairman Tom E. Whiston to electronically sign the Janssen Settlement Participation form with the approval from County Prosecutor Thomas Smith:

Settlement Participation Form

Authorized Signatory: s/Thomas E. Whiston

Address 1: 80 North Walnut Street

Address 2: Suite A

City, State, Zip: Mount Gilead, OH 43338

Phone: 419-947-4085

Email: commissioners@morrowcountyohio.gov

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 (“Janssen Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Janssen Settlement, release all Released Claims against all Released Entities, and agrees as follows:

1. The Governmental Entity is aware of and has reviewed the Janssen Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Janssen Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity’s election to participate is specifically conditioned on participation by Litigating Subdivisions and litigating Special Districts representing 95% or more of the population (combined) of Litigating Subdivisions and Litigating Special Districts in Ohio. Should the combined population of the Litigating Subdivisions and Litigating Special Districts in Ohio that participate be less than 95% of the population (combined) of the Litigating Subdivisions and Litigating Special Districts in Ohio, this Election and Release shall be deemed void and no claims shall be released.
3. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
4. The Governmental Entity agrees to the terms of the Janssen Settlement pertaining to Subdivisions as defined therein.
5. By agreeing to the terms of the Janssen Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the Janssen Settlement solely for the purposes provided therein.
7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposed limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Janssen Settlement.
8. The Governmental Entity has the right to enforce the Janssen Settlement as provided therein.
9. The Governmental Entity, a a Participating Subdivision, hereby becomes a Releasor for all purposes in the Janssen Settlement, including but not limited to all provisions of Section IV (Release), and along with all departments, agencies, divisions, boards, commissioners, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Janssen Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Janssen Settlement shall be a complete bar to any Released Claim.

10. In connection with the releases provided for in the Janssen Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Janssen Settlement.

11. Nothing herein is intended to modify in any way the terms of the Janssen Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Janssen Settlement in any respect, the Janssen Settlement controls.

I swear under penalty of perjury that I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: s/Thomas E. Whiston

Name: Thomas E. Whiston

Title: Morrow County Commissioners Chairman

Date: November 3, 2021

Mr. Abraham duly seconded this motion.

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

**IN THE MATTER OF
APPROVAL TO JOURNALIZE REPORT FROM THE MORROW COUNTY TREASURER
FOR GAP SHEET AS OF THE CLOSE OF BUSINESS ON OCTOBER 29, 2021: 21-R-788**

Mr. Siegfried made a motion to journalize receipt of the Gap sheet 10/29/2021 report from the Morrow County Treasurer, Michael Goff and acknowledged and signed by the Morrow County Auditor, Pat Davies and the Board of County Commissioners as presented:

Receipts/Disbursements balance close of business			
Recon. Items	\$0.00		
Vault	\$3,000.00		
Checking Account	\$3,518,914.90		
Sweep ICS	\$6,008,400.19		
Star Ohio	\$537,443.74		
CDARS 3	\$1,049,687.96		
CDARS 4	\$2,000,503.69		
CDARS 5	\$1,034,830.17		
PARK ICS 0603	\$3,933,344.35		
Wire	\$7,177.79		
Fifth Third	\$13,542,767.68		
Engineer Note	\$266,836.51		
Commissioners	\$168,011.85		
Adjustment			
Point N Pay	\$9,990.98		

Warrant	\$0.00		
Balance	\$32,080,909.81		
Monthly Investments Balance		Interest pd in	
Star Ohio	\$537,443.74	\$34.86	
Fifth Third	\$13,542,767.68	\$7,606.87	10.06.2021
CDARS 4	\$2,000,503.69	\$339.48	
CDARS 5	\$1,034,830.17	\$175.57	
CDARS 3	\$1,049,687.96	\$2,068.80	
PARK ICS 0603	\$3,933,344.35	\$217.12	
Engineer Note	\$266,836.51	\$937.32	
Commissioners Note	\$168,011.85	0.00	Only paid once a year
Daily Investments Balance	\$22,533,425.95		
Rounding			
Checking Account	\$3,518,914.90	Bank Balance	
Vault	\$3,000.00		
Wire Acct	\$7,177.79		
FKNB Sweep ICS	\$6,008,400.19	\$131.45	
Warrant	\$0.00		
Point N Pay	\$9,990.98		
	\$32,080,909.81	Funds and Banks VIP	

Mr. Whiston duly seconded this motion.

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

**IN THE MATTER OF
APPROVAL OF MORROW COUNTY INDIGENT DEFENSE FEE/COST
RECOUPMENT POLICY: 21-R-789**

WHEREAS, the Office of the Ohio Public Defender has by Rule OAC 120-1-03 adopted regulations for the appointment of counsel for the indigent; and

WHEREAS, pursuant to this rule, the Board of County Commissioners needs to adopt a plan to recoup all or part of the cost of counsel for persons who meet certain income guidelines.

IT IS HEREBY RESOLVED:

Mr. Whiston made a motion that:

The Courts of this county shall make the appointment of counsel in accordance with the rules established by the Ohio Public Defender Commission to enable this county to receive reimbursement from the state for a part of the indigent defense costs.

The Courts of this county assigning indigent defense counsel shall, in accordance with OAC 120-1-03, order that a part of counsel fees be repaid to the County where appointment is made and the defendant falls into the income guidelines set forth in the rule (above 125 percent of the poverty threshold). In appropriate cases all counsel fees may be assessed unless it creates an undue burden.

Payments shall be made pursuant to the Morrow County Indigent Defense Fee/Cost Recoupment Policy, a copy of which is hereby attached to this resolution which notice was received of approval of this policy from the Ohio Public Defender’s office on November 2, 2021.

This resolution shall be effective for all cases with an appointment date of November 2, 2021 or later.

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-790**

Mr. Whiston made a motion to recess session at 9:18 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 TO RETURN TO REGULAR SESSION: 21-R-791**

Mr. Whiston made a motion to return to regular session at 11:01 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 MORROW COUNTY AREA TRANSIT 2020
ANNUAL REPORT: 21-R-792**

Mr. Abraham made a motion to approve the Morrow County Area Transit 2020 Annual Report as presented.

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-793**

Mr. Whiston made a motion to recess session at 11:37 a.m.

Mr. Abraham 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-794**

Mr. Siegfried made a motion to return to regular session at 2:52 p.m.

Mr. Whiston duly seconded this motion.

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

**IN THE MATTER OF
APPROVAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN
MORROW COUNTY COMMISSIONERS DBA CMM MOBILITY (HEREIN
REFERRED TO AS CMM MOBILITY AND CRAWFORD COUNTY BOARD
OF DEVELOPMENTAL DISABILITIES (HEREIN REFERRED TO AS CRAWFORD
COUNTY DD): 21-R-795**

WHEREAS, this Memorandum of Understanding (hereinafter referred to as "MOU") is made and entered into by and between CMM Mobility, whose address is 4565 County Road 9, Cardington, Ohio 43315 and Crawford County DD, whose address is 1630 E. Southern Ave., Bucyrus, Ohio 44820;

WHEREAS, the purpose of this MOU is to establish the terms and conditions under which the CMM Mobility functions. The geographical area of coverage will include the counties of Crawford, Marion and Morrow;

WHEREAS, this MOU is effective as of January 1, 2022 and ends December 31, 2022. This MOU may be terminated, without cause, by either party with a ninety (90) day written notice, which notice shall be delivered by hand or by certified mail to the address listed above;

NOW, THEREFORE, BE IT RESOLVED BY, Mr. Whiston made a motion that the Morrow County Commissioners approve the MOU between CMM Mobility and Crawford County DD.

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. Whiston and duly seconded by Mr. Abraham.

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