

REGULAR SESSION OCTOBER 18, 2023

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. Mason and Mr. Siegfried

County Staff: Jamie Brucker, Director of Operations, Dixie Shinaberry, Recorder

Public in attendance: Tom Whiston (Opioid update)

The meeting was opened with prayer and pledge of allegiance to the flag, and then called to order by Mr. Abraham 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 OCTOBER 16, 2023: 23-R-790**

Mr. Mason made a motion to approve the minutes of regular session of October 16, 2023, as recorded in the Commissioners Journal # 50.

Mr. Abraham duly seconded this motion.

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

**IN THE MATTER OF
APPROVAL OF BILLS FOR PAYMENT: 23-R-791**

Mr. Mason made a motion to approve payment of bills numbered 1 through 70 submitted by the Morrow County Auditor's office.

Mr. Siegfried duly seconded this motion.

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

**IN THE MATTER OF
PAY-INS: 23-R-792**

The following pay-ins were made to Conni McChesney, Morrow County Auditor:

- Receipt Batch #3824 Payments received from Chesterville customers for sewer fund 5159 \$679.40
- Payments received from Johnsville customers for sewer fund 5100 \$180.00
- Payments received from Ketterman customers for sewer fund 5121 \$55.84
- Receipt Batch #3827 Payments received from Chesterville customers for sewer fund 5159 \$246.00
- Payments received from Somoco customers for sewer fund 5110 \$302.48

**IN THE MATTER OF
APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – PROSECUTOR DTAC
FUND 2447: 23-A-150**

At the request of Thomas J. Smith, Prosecutor, a motion was made by Mr. Abraham to appropriate from the unappropriated certified monies to the following accounts:

2447-4402-510120	Employee Wages	\$15,000.00
2447-4402-510211	OPERS	\$1,000.00
2447-4402-510213	Medicare	\$200.00

Mr. Siegfried duly seconded this motion.

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

**IN THE MATTER OF
APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – JOB AND FAMILY
SERVICES FUND 2152 WIOA: 23-A-151**

At the request of Sundie Brown, Director, a motion was made by Mr. Mason to appropriate from the unappropriated certified monies to the following account:

2152-1101-530335	WIOA CCMEP Youth Program Services	\$5,000.00
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Mr. Abraham duly seconded this motion.

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

**IN THE MATTER OF
APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – MCAT
FUND 2061: 23-A-152**

At the request of Sundie Brown, Director, a motion was made by Mr. Siegfried to appropriate from the unappropriated certified monies to the following accounts:

2061-0163-530321	MCAT – Rentals	\$500.00
2061-0163-530345	MCAT – Legal Advertising	\$5,000.00

Mr. Mason duly seconded this motion.

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

**IN THE MATTER OF
APPROVAL TO RESCIND RESOLUTION# 23-T-137, TRANSFER OF FUNDS, GENERAL
FUND, PROSECUTOR: 23-T-140**

Mr. Siegfried made a motion to rescind Resolution# 23-T-137 as there were not enough funds available to transfer due to payroll posting.

Mr. Abraham duly seconded this motion.

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

**IN THE MATTER OF
TRANSFER OF FUNDS – GENERAL FUND, PROSECUTOR: 23-T-141**

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

**Reason – to completely use the money appropriated

From 1000-4447-510120 Employee Wages to 1000-4447-510211 OPERS in the amount of \$380.00
From 1000-4447-510120 Employee Wages to 1000-4447-510213 Medicare in the amount of \$22.00

Mr. Mason duly seconded this motion.

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

**IN THE MATTER OF
TRANSFER OF FUNDS – GENERAL FUND, AUDITOR: 23-T-142**

At the request of Conni McChesney, Auditor, a motion was made by Mr. Mason to approve the following transfer of funds:

**Reason – for W-9’s and 1099’s

From 1000-7002-510230 Workers Comp to 1000-7002-540420 Operating Supplies in the amount of \$520.00

Mr. Siegfried duly seconded this motion.

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

**IN THE MATTER OF
TRANSFER OF FUNDS – ENGINEER’S FUND 2202: 23-T-143**

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

**Reason – additional funds are needed

From 2202-2202-530360 Contracted Services to 2202-2002-530325 Vehicle Repair and Maintenance in the amount of \$20,000.00

Mr. Abraham duly seconded this motion.

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

**IN THE MATTER OF
TRANSFER OF FUNDS – GENERAL FUND, BOARD OF ELECTION: 23-T-144**

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

****Reason – mailing of Absentee Ballots and Applications**

From 1000-0016-520330 Training/Travel to 1000-0016-530342 Postage in the amount of \$1,000.00

Mr. Mason duly seconded this motion.

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

**IN THE MATTER OF
APPROVAL TO PAY INVOICE FOR HARRIS DITCH MAINTENANCE: 23-R-793**

WHEREAS, the Harris Ditch Committee has approved and submitted the following invoice for maintenance work:

Fishburn Services
P.O. Box 278
Marengo, Ohio 43334

Mow, Grapple, JD650 \$1,695.00

Total Invoice \$1,695.00

WHEREAS, this invoice has also been approved by Bart Dennison, Morrow County Engineer;

THEREFORE, Mr. Abraham made a motion to approve paying \$1,695.00 of the invoice submitted by Fishburn Services from funds available in the Ditch Funds.

Mr. Siegfried duly seconded this motion.

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

**IN THE MATTER OF
APPROVAL OF INDIGENT DEFENSE SERVICES AGREEMENT BETWEEN MORROW
COUNTY COMMISSIONERS AND THE VILLAGE OF MT. GILEAD IN THE MUNICIPAL
COURT: 23-R-794**

Mr. Abraham moved the adoption of the following agreement:

This Agreement is entered into by and between the Morrow County Commissioners, with a mailing address of 80 North Walnut St., Mt. Gilead, OH, (hereinafter referred to as the “COUNTY”), and the Village of Mount Gilead, with a mailing address of 72 W. High St., Mt. Gilead, OH 43338, (hereinafter referred to as the “VILLAGE”).

WHEREAS, the VILLAGE recognizes its responsibility under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with a violation of a VILLAGE ordinance for which the penalty or any possible adjudication includes the potential loss of liberty, and

WHEREAS, the COUNTY has adopted a program for this Municipality, whereby individual attorneys are assigned on a case by case basis for indigent defendants who qualify, and

WHEREAS, the County Commissioners pursuant to Ohio Revised Code §120.33 may enter into a contract with a municipal corporation under which the municipal corporation shall reimburse the County for counsel appointed to represent indigent persons charged with a violation of an ordinance of the municipal corporation, and

WHEREAS, these contracts must contain terms in conformance with Ohio Administrative Code 120-1-09 and the parties must follow the Ohio Public Defender Commission standards and guidelines and the limits of the County Maximum Fee Schedule for Appointed Counsel in order for the COUNTY to obtain reimbursement for indigent defense costs pursuant to Ohio Revised Code §120.33 and §120.35, and pay the VILLAGE it's appropriate share, and

WHEREAS, this Agreement has been authorized by the Village Council on October 16th, 2023 Resolution 10-16-23 and by Resolution# 22-R-_____, passed by the Board of Commissioners of Morrow COUNTY on October 18, 2023.

NOW THEREFORE, the parties do mutually agree to bind themselves as follows:

1. REPRESENTATION

- 1.1 The VILLAGE and COUNTY agree that the judges of the municipal court may assign by journal entry, recorded on the Court Docket, appointed counsel to represent indigent persons in Municipal Court on or after the commencement date and during the term of this agreement in which the defendant is indigent and charged with the commission of an offense or act which is a violation of a VILLAGE ordinance and for which the penalty or any possible adjudication includes the potential loss of liberty.
- 1.2 Indigency shall be determined in accordance with the standards of indigency and other rules and guidelines established by the Ohio Public Defender's Commission and the State Public Defender, pursuant to Ohio Revised Code §120.03 and Ohio Administrative Code §120-1-03.
- 1.3 In addition to indigency determination, all rules, standards and guidelines issued by the Office of the Ohio Public Defender and Ohio Public Defender Commission shall be followed.

2. COMPENSATION

- 2.1 Pursuant to Ohio Revised Code 120.33 and aforesaid resolutions, the COUNTY shall pay all legal fees and expenses to counsel duty appointed by the Municipal Court or Morrow County, Ohio, to represent indigent persons charged with violations of the ordinances of the VILLAGE of Mount Gilead, Ohio.
- 2.2 Payment by the municipality for representation of indigent persons may be by contractual amount or a fee schedule, however in either event such payment shall not exceed the fee schedule in effect and adopted by the County Commissioners of the county wherein the municipal corporation is located.
- 2.3 VILLAGE agrees to reimburse the COUNTY for all legal fees and expenses which are paid by the COUNTY according to 2.1 above within thirty (30) days of receipt of an invoice for such fees and expenses.
- 2.4 The COUNTY shall promptly pay over to the VILLAGE any reimbursement received from the Office of the Ohio Public Defender Commission pursuant to Chapter 120 of the Ohio Revised Code for any amounts expended pursuant to this agreement, within thirty (30) days of receipt of said reimbursement.

3. DURATION OF CONTRACT AND TERMINATION

- 3.1 The term of this agreement shall be for one year, January 1st, 2022 to December 31st, 2022. This contract may be renewed for additional one year terms upon proper resolution of each entity agreeing to the one year extension and proper appropriation of funding for the new year. Copies of the resolutions are to be sent to the Ohio Public Defender, 250 East Broad St., Suite 1400, Columbus, Ohio 43215.
- 3.2 If the COUNTY or VILLAGE shall fail to fulfil in a reasonable, timely and proper manner its obligations under this agreement or if either party shall substantially violate any of the covenants, agreements or stipulations of this agreement, then the aggrieved party shall hereupon have the right to terminate this agreement by giving written notice to the other party of such termination and specifying an effective date thereof at least thirty (30) days before the effective date of said termination. Termination by either party shall not constitute a waiver of any other right or remedy it may have in law or in equity for breach of this agreement by the other party.
- 3.3 Written notice shall be considered furnished when it is sent by Certified Mail, return receipt requested or is hand delivered.

3.4 This agreement is automatically canceled, without requirement of notice, if any payment required by Section 2.1 of this agreement is not made within thirty (30) business days of the date on which it is due.

4. TERMS OF AGREEMENT

4.1 Indigency and client eligibility for representation under this agreement shall be determined in conformity with the standards of indigency and other rules and standards established by the Ohio Public Defender Commission and the State Public Defender.

4.2 As soon as is reasonably practical after a case is finally disposed of by the Municipal Court, the Court shall approve counsel fees in accordance with the standards of indigency, which fees shall not be taxed as part of the costs of the case. In only exceptional circumstances shall the court approve attorney’s fees in excess of the schedule established by the COUNTY.

4.3 Recognizing that the requests for reimbursements must be received by the State Public Defender within ninety (90) days of the end of the calendar month in which a case is finally disposed of by the Court, the Morrow County Municipal Court Clerk shall promptly notify the COUNTY of the fees which have been approved.

4.4 After approval, the COUNTY Auditor shall thereafter, process the fees and expenses approved by the Court in accordance with the procedure set forth in Ohio Revised Code §120.33.

4.5 There shall be no discrimination against any employee who is employed in the work covered by this agreement or against any application for such employment because of the race, color, religion, sex, age, handicap or national origin. This provision shall apply to, but not be limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, raises of pay or other forms of compensation, and selection for training, including apprenticeship. The COUNTY shall insert a similar provision in any subcontract for services covered by this agreement.

4.6 No personnel of the parties or member of the governing body of any locality or other public official or employee of any such locality in which, or relating to which, the work under this Agreement is being carried out, and who exercises any functions or responsibilities in connection with the review or approval of the understanding or carrying out of any such work, shall, prior to the completion of said work, voluntarily acquire any personal interest direct or indirect, which is incompatible or in conflict with the discharge and fulfillment of his or her functions and responsibilities with respect to the carrying out of said work.

5. MODIFICATION

5.1 This contract may not be amended orally.

5.2 This contract may be amended only by written addendum, signed and executed by the parties names herein, or their successors.

6. PARTICIPATION IN RECOUPMENT PROGRAM

The Parties agree to participate in a recoupment program for partially indigent defendants’ counsel fees as provided in Ohio Administrative Code 120-1-05 and 120-1-03(J).

IN WITNESS WHEREOF, the parties have hereunto set their hands.

s/Donna Carver, Mayor

s/Cathy Davis, Fiscal Officer

s/Jon Mason, Commissioner

s/Tim D. Abraham, Commissioner

s/Timothy R. Siegfried, Commissioner

Mr. Mason duly seconded this motion.

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

WHEREAS, on September 26, 2023, the Morrow County Commissioner's Office received the proposal from the Morrow County Recorder, pursuant to ORC 317.321, a request to renew the set aside amount of \$7.00 per document, to be used for the Recorder's Equipment Fund, known as the Recorder Special Revenue Fund. The period for this set aside amount will be January 1, 2024 through December 31, 2028. The Recorder will utilize this account for supplies, contract services, equipment and an employee's wages if this is deemed an allowable expense. The Recorder estimates the set aside amount to be an estimate of \$1,900,000.00 for the 5 year period;

THEREFORE, Mr. Siegfried made a motion to approve the renewal of the \$7.00 per document amount, to be set aside for the Recorder's Equipment Fund.

Mr. Mason duly seconded this motion.

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

**IN THE MATTER OF
APPROVAL TO RECESS SESSION: 23-R-796**

Mr. Abraham made a motion to recess session at 9:44 a.m.

Mr. Mason duly seconded this motion.

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

**IN THE MATTER OF
APPROVAL TO RETURN TO REGULAR SESSION: 23-R-797**

Mr. Abraham made a motion to return to regular session at 11:00 a.m.

Mr. Siegfried duly seconded this motion.

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

11:00 Sundie Brown

**IN THE MATTER OF
APPROVAL OF A SUBGRANT AGREEMENT BETWEEN WOOD COUNTY DEPARTMENT
OF JOB AND FAMILY SERVICES AND THE CHILD WELFARE FELLOWSHIP PROJECT
PARTIES (ALLEN, ASHLAND, AUGLAIZE, CRAWFORD, HANCOCK, HURON, OTTAWA,
PUTNAM, PREBLE, SENECA, SANDUSKY, WILLIAMS, WARREN, ALLEN, ATHENS,
FAIRFIELD, MORROW, HENRY, MARION AND SCIOTO) COUNTY DEPARTMENT OF
JOB AND FAMILY SERVICE AGENCIES: 23-R-798**

Mr. Abraham made a motion to approve the following agreement:

THIS AGREEMENT is made and entered into this 18th day of October, 2023, by and between the Wood County Board of County Commissioners, on behalf of the Wood County Department of Job and Family Services (collectively, "Wood County"), and the independent Children's Services Boards of Athens, Warren, Allen and Marion counties and Board of County Commissioners of Ashland, Auglaize, Crawford, Hancock, Henry, Huron, Fairfield, Ottawa, Putnam, Preble, Seneca, Sandusky, Williams, Morrow and Scioto counties (collectively, the "Subgrantees").

WHEREAS, this Agreement is applicable to Wood County's Workforce Innovation and Opportunities Act (WIOA) and State General Revenue Funds (GRF) subawards. WIOA's Code of Federal Domestic Assistance ("CFDA") now known as the Assistance listing Number ("ALN") 17.259, a copy of which is attached as **Exhibit A**, and which shall be incorporated by reference herein.

WHEREAS, the intent of this Agreement is to establish Wood County as a "pass-through entity" and the Subgrantees as a "subrecipient" as those terms are used in OMB 2 CFR 200, promulgated by the United States Office of Management and Budget ("OMB"); and

WHEREAS, the parties wish to establish and participate in a Child Welfare Fellowship Program, which is a pilot project that includes the recruiting, hiring, and training of college students to properly prepare them to be job ready in the child welfare field upon graduation; and

WHEREAS, as a pass-through entity under OMB 2 CFR 200 (Uniform Guidance), Wood County may: (1) provide financial assistance to the Subgrantees in accordance with this Agreement and state and federal laws; (2) monitor the Subgrantees to obtain reasonable assurances that the financial assistance provided pursuant to this Agreement is used in accordance with applicable conditions,

requirements, and restrictions; (3) provide information on current and any subsequent changes to the terms and conditions of the grant awards addressed by the funding provided under this agreement; and (4) take action to recover funds that are not used in accordance with the conditions, requirements, or restrictions applicable to these funds.

NOW, THEREFORE, the parties hereto, each in consideration of the mutual promises and obligations assumed herein by the other, agree as follows:

- I. Definitions
- II. Subgrantees' Responsibilities
- III. Responsibilities of Wood County
- IV. Term
- V. Amount of Grant; Invoicing; Financial Management
- VI. Audits of Subgrantees
- VII. Suspension and Termination
- VIII. Breach or Default
- IX. Records
- X. Notices
- XI. Subcontracts, Assignment, Subgrantees Subawards
- XII. Subgrantees Certification of Compliance with Grant Conditions
- XIII. Lobbying
- XIV. Telecommunication Equipment
- XV. Executive Order 2022-02D
- XVI. Miscellaneous Provisions

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

Mr. Siegfried duly seconded this motion.

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

**IN THE MATTER OF
APPROVAL TO RECESS SESSION: 23-R-799**

Mr. Abraham made a motion to recess session at 11:15 a.m.

Mr. Mason duly seconded this motion.

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

**IN THE MATTER OF
APPROVAL TO RETURN TO REGULAR SESSION: 23-R-800**

Mr. Abraham made a motion to return to regular session at 2:51 p.m.

Mr. Mason duly seconded this motion.

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

**IN THE MATTER OF
TRANSFER OF FUNDS – JOB AND FAMILY SERVICES FUND 2121
COUNCIL FOR GOVERNMENT: 23-T-145**

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

**Reason – appropriation needed for program expenses utilizing incentives, as approved at the October 17, 2023 Council meeting

From 2121-1053-530335 COG Strong Families Safe Communities Program Services to 2121-1111-530335 COG FCFC Program Services in the amount of \$10,000.00

Mr. Abraham duly seconded this motion.

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

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

We hereby certify the foregoing to be true and correct.

CHAIRMAN

CLERK

ASSISTANT CLERK

MORROW COUNTY COMMISSIONERS