

REGULAR SESSION AUGUST 4, 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: Chief McCann and Andy Ware (Development)

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 AUGUST 2, 2021: 21-R-551**

Mr. Abraham made a motion to approve the minutes of regular session of August 2, 2021, as recorded in the Commissioners Journal # 49.

Mr. Whiston 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-552**

Mr. Siegfried made a motion to approve payment of bills numbered 1 through 49 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-553**

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

Receipt Batch #1952	Payments received from Chesterville customers for sewer fund 5159	\$1350.77
	Payments received from Johnsville customers for sewer fund 5100	\$289.10
Receipt Batch #1947	Payments received from Chesterville customers for sewer fund 5159	\$310.00
	Payments received from Johnsville customers for sewer fund 5100	\$295.00
	Payments received from Somoco customers for sewer fund 5110	\$1660.02
Receipt 212118	Payment received from Morrow County Job & Family Services for August 2021 rent pay in to account 2072-1070-470802 in the amount of	\$20,745.08.

**IN THE MATTER OF
APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – JOB AND FAMILY SERVICES FUND 2121 COUNCIL FOR GOVERNMENT: 21-A-100**

At the request of Sundie Brown, Director, a motion was made by Mr. Whiston to appropriate from the unappropriated certified monies with amended certificate dated 8/2/21:

2121-1053-530310	COG SFSC Professional & Technical Services	\$16,158.96
2121-1111-530335	COG FCFC Program Services	\$3,500.00

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 – FUND 3777 EMPLOYER RETIREMENT RESOURCES: 21-A-101**

At the request of Patricia Davies, Morrow County Auditor, a motion was made by Mr. Siegfried to appropriate from the unappropriated certified monies to the following accounts for Lori Epling's retirement payout:

3777-9019-530120	Employee Wages	\$10,857.56
3777-9019-510213	Medicare	\$157.43

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 (CASH) JOB AND FAMILY SERVICES PUBLIC ASSISTANCE TO
CHILDREN SERVICES (KINSHIP CAREGIVER): 21-T-057**

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

**Reason – reimburse the Children Services Fund for SFY21 TANF Kinship Caregiver expenses that (per state requirements) were paid from the Children Services Fund but TANF revenue from the state pays into the Public Assistance fund.

From 2111-1057-590910 PA PRC Transfer Out to 2141-1090-490931 Children Services Transfer In in the amount of \$17,955.24

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: 21-T-058**

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

**Reason – SSI conference and expenses in October

From 1000-7002-520350 Prof Organization dues and fees to 1000-7002-520340 Conference dues and fees in the amount of \$2,000.00

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 (CASH) GENERAL FUND, INMATE MEDICAL
FUND 2924: 21-T-059**

Mr. Siegfried made a motion to approve the following transfer of funds (cash):

**Reason – needed in order to pay medical bills

From 1000-9119-590910 General Fund Transfer Out to 2924-1090-490931 Inmate Medical Transfer In in the amount of \$15,000.00

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 – INMATE MEDICAL
FUND 2924: 21-A-102**

Mr. Whiston made a motion to appropriate from the unappropriated certified monies to the following account for inmate medical bills:

2924-9224-530318

Inmate Medical

\$2,742.14

Mr. Abraham duly seconded this motion.

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

**IN THE MATTER OF
APPROVAL TO VACATE PORTION OF TOWNSHIP ROAD 16 IN SOUTH
BLOOMFIELD TOWNSHIP: 21-R-554**

WHEREAS, on June 16, 2021, the Morrow County Commissioners journalized the receipt of a petition from the South Bloomfield Township Trustees requesting to vacate a portion of S. Bloomfield Township Road 16; and

WHEREAS, a viewing of the proposed vacation was held on July 7, 2021 and a public hearing was held on July 14, 2021; and

WHEREAS, on July 14, 2021, the Morrow County Commissioners approved a continuance of the public hearing to gain clarification on questions raised during the public hearing; and

WHEREAS, the continuance of the hearing was held on August 2, 2021;

THEREFORE, Mr. Abraham made a motion that the Morrow County Commissioners resolve that we vacate the 884’ center portion of Township Road 16 in South Bloomfield Township as presented by the Morrow County Engineer plat survey dated 11/12/2019. The remaining portions in question will remain in an unmaintained status.

Mr. Siegfried duly seconded this motion.

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

**IN THE MATTER OF
PROCLAMATION – GRATITUDE FOR SERVICE – GARY ECKERT: 21-R-555**

Mr. Siegfried made a motion to approve the following Proclamation:

The Morrow County Commissioners would like to extend our congratulations to Troy Township Fiscal Officer Gary Eckert.

Gary has served Troy Township for 41 years and 8 months. He is retiring and has served the township and the county well for over 4 decades.

There are few individuals who dedicate themselves to public service for such an extended period of time. He is to be commended and we wish him all the best as he enters retirement.

Mr. Whiston 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-556**

Mr. Siegfried made a motion to recess session at 9:17 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-557**

Mr. Siegfried made a motion to return to regular session at 9:28 a.m.

Mr. Abraham duly seconded this motion.

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

9:30 A.M. – JOINT BOARD OF MCKIBBEN DITCH #503 COMMISSIONERS HEARING – RESOLUTION BY MARION COUNTY COMMISSIONERS TO AUTHORIZE ADVERTISEMENT FOR BIDS FOR THE RECONSTRUCTION OF THE MCKIBBEN DITCH #503

IN THE MATTER OF APPROVAL TO RECESS SESSION: 21-R-558

Mr. Whiston made a motion to recess session at 9:35 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-559

Mr. Whiston made a motion to return to regular session at 2:41 p.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 NEGOTIATE AN AGREEMENT WITH TETRA TECH FOR A 9-ELEMENT PLAN: 21-R-560

WHEREAS, on July 12, 2021, the Morrow County Commissioners approved for Request For Qualifications – 9-Element Plan Service for Somoco Sanitary Sewer System; and

WHEREAS, the deadline to submit these RFQs was July 30, 2021 at Noon; and

WHEREAS, the following submissions were received and ranked as stated below:

- 1) Tetra Tech – 96.7
- 2) CEC – 95
- 3) MAD – 88

THEREFORE, the Development Office recommends acceptance of the rankings and approval for Director Andy Ware to negotiate an agreement with Tetra Tech to complete an approvable 9-Element Plan with a recommended project to Ohio EPA for the Upper Big Walnut Watershed (HUC-12 050600011402).

Mr. Siegfried made a motion to approve Andy Ware, Development Director to negotiate an agreement with Tetra Tech to complete a 9-Element Plan and project to Ohio EPA.

Mr. Abraham 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 ONEOHIO SUBDIVISION PARTICIPATION FORM REGARDING THE OHIO-SPECIFIC OPIOID PROPOSED SETTLEMENT: 21-R-561

Mr. Siegfried made a motion to approve Chairman Thomas E. Whiston to sign the OneOhio Subdivision Participation Form in regards to the Ohio-specific opioid proposed settlement:

OneOhio Subdivision Participation Form

Governmental Entity: Morrow County Commissioners
 Authorized Official: Thomas E. Whiston
 Address 1: 80 N. Walnut Street
 Address 2:

State: Ohio

City, State, Zip: Mount Gilead, OH 43338

Phone: 419-947-4085

Email: tom.whiston@co.morrow.oh.us

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity consistent with the material terms of the National Settlement Agreement dated July 21, 2021 ("*National Distributor Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the material terms of the National Settlement Agreement Distributor Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the National Distributor Settlement, understands that all terms in this Participation Form have the meanings defined therein, and agrees that by signing this Participation Form, the Governmental Entity elects to participate consistent with the material terms of the National Distributor Settlement and become a Participating Subdivision as provided therein pursuant to the terms of the final OneOhio Memorandum of Understanding dated July 28, 2021.
2. The Governmental Entity's election to participate is specifically conditioned on participation by 95% or more of the Litigating Subdivisions in Ohio. Should less than 95% of the Litigating Subdivisions in Ohio participate, this election shall be deemed void and no claims shall be released.
3. The Governmental Entity shall, prior to the filing of the Consent Judgment, secure the dismissal with prejudice of any Released Claims that it has filed.
4. The Governmental Entity agrees to the material terms of the National Distributor Settlement pertaining to Subdivisions as defined therein.
5. By agreeing to the material terms of the National Distributor 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 material terms of the National Distributor Settlement solely for the purposes provided therein.
7. The Governmental Entity submits to the jurisdiction of the Madison County Court of Common Pleas where the Consent Judgment is filed for purposes limited to the court's role as provided in, and for resolving disputes to the extent provided in, the material terms of the National Distributor Settlement Agreement. If the National Distributor Settlement is finalized, the Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in the National Distributor Settlement.
8. The Governmental Entity has the right to enforce the material terms of the National Distributor Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the material terms of the National Distributor Settlement, including, but not limited to, all provisions of Part XI, and along with all departments, agencies, divisions, boards, commissions, 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 material terms of the National Distributor 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 material terms of National Distributor Settlement shall be a complete bar to any Released Claim.

10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision consistent with the material terms of the National Distributor Settlement.

11. In connection with the releases provided for in the material terms of the National Distributor 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, and 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 material terms of the National Distributor Settlement.

12. Nothing herein is intended to modify in any way the terms of the material terms of the National Distributor Settlement to which Governmental Entity hereby agrees, with the exception of the requisite Litigating Government participation level. If the National Settlement becomes effective by July 1, 2022 its terms will supersede the terms of the Ohio Settlement Agreement and will control with regard to all provisions except for Dismissal of Claims as set forth in the Ohio Settlement Agreement. If it is not effective by July 1, 2022, the Ohio Specific Distributor Settlement will control. To the extent this Participation Form is interpreted differently from the Ohio Specific Distributor Settlement in any respect, the Ohio Specific Distributor Settlement controls.

I have all necessary power and authorization to execute this Participation Form on behalf of the Governmental Entity and have been afforded the opportunity to review this matter with counsel.

Signature: s/Thomas E. Whiston

Name: Thomas E. Whiston

Title: Morrow County Commissioner Chairman

Date: August 4, 2021

Mr. Abraham 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.

CLERK

ASSISTANT CLERK

MORROW COUNTY COMMISSIONERS