

Commissioners' Journal
January 25, 2022

The Geauga County Board of Commissioners met in session on January 25, 2022 at 9:30 a.m. in the Commissioners' Chambers located at 470 Center Street in Chardon, Ohio.

It is declared and determined that all formal actions of the Board of County Commissioners concerning and relating to the adoption of all resolutions that were adopted in this meeting, and that all deliberations of the Board of County Commissioners that resulted in such formal action were open to the public and were in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

The President of the Board, James W. Dvorak opened the meeting at 9:34 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.

**Commissioner Lennon was absent from today's meeting.*

Commissioner Dvorak read the following prayer:

*Heavenly Father,
With all this snow and cold weather in Geauga County
Holy one, warm our hearts with Acts of Kindness
Inspire us with the Beauty of your creation,
And watch over those who work to keep us safe and well!
Amen*

MEETING MINUTES

Motion: by Commissioner Spidalieri, seconded by Commissioner Dvorak to approve and execute the minutes for the meeting of November 23, 2021.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Absent*</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

Motion: by Commissioner Spidalieri, seconded by Commissioner Dvorak to approve and execute the minutes for the meeting of November 30, 2021.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Absent</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

APPROVE FINANCIALS

Budget and Finance Manager Adrian Gorton explained the financials for today as including Appropriation transfers to the Sheriff for miscellaneous refunds, reimbursements and web checks that were deposited into the General Fund, Supplemental Appropriation for the County Engineer's office to appropriate the newly certified funds from the Road and Bridge Levy renewal that was passed in November 2021, Cash transfer for the Commissioner's office travel account to Central Vehicle other revenue for vehicle usage, a payment for the Commissioner's office to the Geauga County Airport Authority to pay for Request #6 for the T-Hangar project and loan in the amount of \$75,078.50, a payment for Water Resources to HDR Engineering, Incorporated for services related to the McFarland Upgrades and Renovation project in the amount of \$44,990.54 and Revenue Certifications for Board of Developmental Disabilities in the Metzenbaum, Residential Services and Reserve Balance Funds to adjust revenues to be received in 2022.

Motion: by Commissioner Spidalieri, seconded by Commissioner Dvorak to approve and execute Resolution #21- itemizing the financials for the meeting of January 25, 2022.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Absent</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

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COUNTY ENGINEER'S OFFICE – CHANGE ORDER #1, INCREASE CONTRACT – TERRACE CONSTRUCTION, INCORPORATED – WASHINGTON STREET / HASKINS ROAD TRAFFIC SIGNAL

Deputy Engineer Nick Gorris asked the Board to approve the Change Order #1 increasing the contract with Terrace Construction as a way to true up the books for them for year end, adding that there will be an additional change order coming for final.

Motion: by Commissioner Spidalieri, seconded by Commissioner Dvorak to approve and execute Change Order #1, increasing the Contract with Terrace Construction Company, Incorporated for the Washington Street / Haskins Road Traffic Signal Installation in the amount of \$410.39.

<i>Roll Call Vote:</i>	Commissioner Spidalieri	Aye
	Commissioner Lennon	Absent
	Commissioner Dvorak	Aye

COUNTY ENGINEER'S OFFICE – AWARD BID – RONYAK PAVING, INCORPORATED – RESURFACING OF THOMPSON ROAD – THOMPSON TOWNSHIP

Mr. Gorris asked the Board to award the Bid to Ronyak Paving for the Resurfacing of Thompson Road, noting the estimate was \$600,000.00 and that they had received two bids, both awardable, the second was by a very small amount.

Motion: by Commissioner Spidalieri, seconded by Commissioner Dvorak to award the Bid to Ronyak Paving, Incorporated for the Asphalt Resurfacing of Thompson Road (CH-0007, Sections A-E) in Thompson Township in the amount of \$602,325.00 as they represented the lowest and best bid. The Bid Bond submitted shall be held to serve as the Performance Bond for this project.

<i>Roll Call Vote:</i>	Commissioner Spidalieri	Aye
	Commissioner Lennon	Absent
	Commissioner Dvorak	Aye

COUNTY ENGINEER'S OFFICE – EXECUTE UNIT PRICE CONTRACT – RONYAK PAVING, INCORPORATED – RESURFACING OF BASS LAKE ROAD – NEWBURY TOWNSHIP

Mr. Gorris explained that this was for the re-bid of the Bass Lake Road resurfacing project, that the project has been awarded and was just asking for the contract to be executed today.

Motion: by Commissioner Spidalieri, seconded by Commissioner Dvorak to approve and execute the Unit Price Contract with Ronyak Paving, Incorporated for the (Re-Bid) Asphalt Resurfacing of Bass Lake Road (CH-0023, Sections A-C) in Newbury Township in the amount of \$640,635.00.

<i>Roll Call Vote:</i>	Commissioner Spidalieri	Aye
	Commissioner Lennon	Absent
	Commissioner Dvorak	Aye

COUNTY ENGINEER'S OFFICE – EXECUTE UNIT PRICE CONTRACT – MARUCCI AND GAFFNEY EXCAVATING, COMPANY – REPLACEMENT OF BUNDYSBURG ROAD BRIDGE – PARKMAN TOWNSHIP

Mr. Gorris asked the Board to execute the contract for Marucci and Gaffney Excavating on the replacement of the Bundysburg Road Bridge, that the project has been awarded.

Motion: by Commissioner Spidalieri, seconded by Commissioner Dvorak to approve and execute the Unit Price Contract with Marucci and Gaffney Excavating, Company for the Replacement of the Bundysburg Road Bridge (Structure #0038-03.080) in Parkman Township in the amount of \$2,198,765.48.

<i>Roll Call Vote:</i>	Commissioner Spidalieri	Aye
	Commissioner Lennon	Absent
	Commissioner Dvorak	Aye

There was a brief discussion about Marucci and Gaffney doing work for the County, and that they are the lead on the Amish Safety project taking place in Middlefield.

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DEPARTMENT OF JOB AND FAMILY SERVICES – FAMILY FIRST COUNCIL MUTUAL FUNDING AGREEMENT – JANUARY THROUGH JUNE, 2022

Director Craig Swenson introduced Timothy Kehres, the new Family First Council Coordinator. Mr. Swenson gave a brief overview of Mr. Kehres background, noting that he had come from Torchlight, which was previously Big Brothers and Big Sisters, and is still doing mentoring for them.

Mr. Swenson asked the Board to approve the Family First Council Mutual funding agreement for the first half of 2022, adding that there is no change in the funding amount.

Motion: by Commissioner Spidalieri, seconded by Commissioner Dvorak to approve and execute the Geauga County Family First Council Mutual Funding Agreement between the Geauga County Board of Commissioners, Job and Family Services, Board of Developmental Disabilities and the Board of Mental Health and Recovery Services for funding of the Geauga County Family First Council for the period of January 1, 2022 through June 30, 2022. This agreement commits the Board of County Commissioners to providing a support payment of \$42,484.00 from the General Fund.

Roll Call Vote:	Commissioner Spidalieri	Aye
	Commissioner Lennon	Absent
	Commissioner Dvorak	Aye

DEPARTMENT OF JOB AND FAMILY SERVICES – APPOINT TIMOTHY KEHRES - OHIO CHILDREN'S TRUST FUND CHILD ABUSE AND CHILD NEGLECT REGIONAL PREVENTION COUNCIL

Mr. Swenson asked the Board to appoint Mr. Kehres to fill the remainder of the term for Mr. Turney along with Sara Shinninger until the end of the year. This council reviews and awards funding for organizations to do programs.

Motion: by Commissioner Spidalieri, seconded by Commissioner Dvorak to appoint Timothy Kehres to the Ohio Children's Trust Fund Child Abuse and Child Neglect Regional Prevention Council, to fill the remainder of Benjamin Turney's term, ending December 31, 2022.

Roll Call Vote:	Commissioner Spidalieri	Aye
	Commissioner Lennon	Absent
	Commissioner Dvorak	Aye

DEPARTMENT OF WATER RESOURCES – APPROVE REVISED JOB DESCRIPTION – MECHANIC (#2310)

Fiscal and Personnel Specialist Kathleen Miller asked the Board to approve the revised job description for the position of Mechanic (#2310).

Motion: by Commissioner Spidalieri, seconded by Commissioner Dvorak to accept and approve the revised job description for the position of Mechanic (#2310) to be effective January 25, 2022.

Roll Call Vote:	Commissioner Spidalieri	Aye
	Commissioner Lennon	Absent
	Commissioner Dvorak	Aye

DEPARTMENT OF WATER RESOURCES – ADVERTISE POSITION – MECHANIC (#2310) INTERNALLY FIVE DAYS – THEN EXTERNAL UNTIL FILLED

Ms. Miller asked the Board to approve advertising for that position, first internally for five days as it is a union position and then externally if needed until filled.

Motion: by Commissioner Spidalieri, seconded by Commissioner Dvorak to grant permission to advertise for the position of Mechanic (#2310) internally for a period of five days with applications accepted from January 26, 2022 through 4:30 p.m. on February 1, 2022, if no qualified candidate is found, the position will be advertised externally until the position is filled.

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<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Absent</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

COMMISSIONERS' OFFICE – RESOLUTION ADOPTING FEE SCHEDULE FOR INDIGENT DEFENSE APPOINTED COUNSEL – EXHIBIT A

Mr. Morgan explained that this resolution is to adopt a fee schedule for indigent defense to set new fees, increasing them, noting that the fees haven't been increased since the mid 1990's and with the reimbursement rate at 100% now, it just makes sense to do the increase.

Motion: by Commissioner Spidalieri, seconded by Commissioner Dvorak to approve and execute Resolution #22-010 Adopting a Fee Schedule for Indigent Defense Appointed Counsel and Exhibit A, to be effective February 1, 2022.

Board of County Commissioners, Geauga County, Ohio

Resolution: #22-010

Date: January 25, 2022

A RESOLUTION ADOPTING A FEE SCHEDULE FOR INDIGENT DEFENSE APPOINTED COUNSEL

WHEREAS, Geauga County recognizes its responsibility under the laws of the State of Ohio and the United States of America to provide legal counsel for indigent individuals charged with serious offenses in the Courts of Geauga County; and

WHEREAS, the County Commissioners of Geauga County have chosen to establish a County Public Defender Commission under the authority of the Ohio Revised Code (ORC) Section 120.13; and

WHEREAS, the county public defender shall provide legal representation to indigent adults and juveniles per ORC section 120.16; and

WHEREAS, A court may also appoint counsel and an indigent person may select their own personal counsel in accordance with ORC section 120.16 (E); and

WHEREAS, ORC section 120.33 permits a Board of County Commissioners to adopt a resolution to establish payment to appointed counsel;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Geauga County Ohio:

The following fees shall be payable by the County for appointed counsel for work performed on or after February 1, 2022:

- 1. For trial level cases, not involving a death penalty specification, the appointed counsel shall be paid at the rate of \$75.00 per hour, in accordance with the State Public Defender's state maximum fee schedule for appointed counsel reimbursement (revised January 2019).*
- 2. The Board further adopts the State Maximum Fee Schedule for Appointed Counsel as promulgated by the Ohio Public Defender in the latest revision dated January 2019. A copy of said schedule is attached and incorporated hereto as Exhibit A, and*

BE IT FURTHER RESOLVED, that the Clerk of the Geauga County Commissioners is hereby instructed to transmit one original copy of this resolution to Timothy Young, Ohio Public Defender and to each Judge of the Common Pleas Court and the Juvenile/Probate Court of Geauga County, Chardon Municipal Court Judge, and the Geauga County Bar Association.

Exhibit A

STATE MAXIMUM FEE SCHEDULE FOR APPOINTED COUNSEL REIMBURSEMENT

A. General provisions

- 1. The Ohio Public Defender State Maximum Fee Schedule for Appointed Counsel Reimbursement contains the hourly rates and maximum amounts the OPD will reimburse counties for representation of indigent persons in criminal cases.*

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2. Pursuant to R.C. 120.33(A)(3), to receive reimbursement, a board of county commissioners must adopt a resolution to pay counsel appointed by the court, and must establish a fee schedule. The county is responsible for filing an up-to-date fee schedule with the OPD. Reimbursement will be based on the latest fee schedule filed with the OPD.
3. Reimbursement to the counties shall be based on the most serious offense with which the defendant is charged and will be made pursuant to either the State or county rate, whichever is lower. Reimbursement shall not exceed the established hourly or maximum rates unless otherwise provided for by statute, and will be made pursuant to R.C. 120.33 and R.C. 120.34. B.

B. 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 \$75.00 per hour for both in-court and out-of-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) 120.33(D). per R.C. 2929.04(A) with no fee and R.C. 2941.14(B)	As set by Capital Fee Council - see R.C. The Council has currently set a rate of \$125 maximum.
Aggravated murder (w/o specs)	\$15,000/1 attorney \$25,000/2 attorneys
Murder	\$10,000
Felony with possible life sentence/ repeat violent offender/major drug offender	\$10,000
Felony (degrees 1-2)	\$8,000
Felony (degree 3)	\$5,000
Felony (degrees 4-5)	\$3,500
Misdemeanor (degrees 1-4)	\$2,000
OVI/BAC	\$2,500
Contempt of court	\$500
Violation (Probation/Community Control)	\$750
Preliminary Hearings	\$300
Sex Offender Classification	\$750
Other	\$750

Reimbursement for guilty or no contest pleas will be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services, up to the prescribed maximums for each classification, or if selected by the board of commissioners, at a flat rate for non-homicide felonies, misdemeanors, and juvenile proceedings.

C. Juvenile proceedings

1. Reimbursement for representation in juvenile proceedings will be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-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.

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4. *The prescribed maximum fees permitted in juvenile level proceedings are:*

<u>Offense/Proceeding</u>	<u>Fee Maximum</u>
<i>Aggravated murder (w/specs) 120.33(D). per R.C. 2929.04(A) and with no fee R.C. 2941.14(B)</i>	<i>As set by Capital Fee Council - see R.C. The Council has currently set a rate of \$125 maximum.</i>
<i>Aggravated murder (w/o specs)</i>	<i>\$7,500/1 attorney \$12,500/2 attorneys</i>
<i>Murder</i>	<i>\$6,000</i>
<i>Felony adjudication (degrees 1-2)</i>	<i>\$5,000</i>
<i>Felony adjudication (degrees 3-5)</i>	<i>\$3,500</i>
<i>Misdemeanor OVI/BAC</i>	<i>\$2,500</i>
<i>Misdemeanor</i>	<i>\$2,000</i>
<i>Traffic</i>	<i>\$300</i>
<i>Objections</i>	<i>\$750</i>
<i>Unruly</i>	<i>\$1,000</i>
<i>Bindover - Mandatory</i>	<i>\$750/1 attorney \$1,200/2 attorneys</i>
<i>Bindover - Discretionary</i>	<i>\$2,000/1 attorney \$3,000/2 attorneys</i>
<i>Reverse Bindover Amenability</i>	<i>\$1,500</i>
<i>SYO</i>	<i>Adult degree + 50%/2 attorneys</i>
<i>SYO Invocation</i>	<i>\$2,000/1 attorney \$3,000/2 attorneys</i>
<i>Adult in Juvenile Court</i>	<i>\$1,500</i>
<i>Violation (Probation/Community Control)</i>	<i>\$750</i>
<i>Violation (Parole/Supervised Release)</i>	<i>\$750</i>
<i>VCO</i>	<i>\$750</i>
<i>ADN Initial Custody</i>	<i>\$1,500</i>
<i>ADN Annual After Custody</i>	<i>\$1,500</i>
<i>Permanent Custody</i>	<i>\$2,500</i>
<i>Contempt of court</i>	<i>\$500</i>
<i>Purge Hearing</i>	<i>\$150</i>
<i>Sex Offender Classification/Reclassification/Declassification</i>	<i>\$750</i>
<i>Expungement</i>	<i>\$300</i>
<i>Other</i>	<i>\$750</i>

D. *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 \$75.00 per hour for both in-court and out-of-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. 15*
3. *The prescribed maximum fees permitted in appellate level proceedings are:*

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<u>Offense/Proceeding</u>	<u>Fee Maximum</u>
<i>Death Sentence 120.33(D).</i>	<i>As set by Capital Fee Council - see R.C.</i> <i>The Council has currently set a rate of \$125 with no fee maximum.</i>
<i>Cumulative Minimum Sentence exceeds 25 years</i>	<i>\$8,000</i>
<i>Felony (degrees 1-2) Trial</i>	<i>\$5,000</i>
<i>Felony (degree 3) Trial</i>	<i>\$3,500</i>
<i>Felony (degrees 4-5) Trial</i>	<i>\$2,500</i>
<i>Misdemeanor Trial</i>	<i>\$2,000</i>
<i>Felony Plea \$1,500 Misdemeanor Plea</i>	<i>\$1,000</i>
<i>ADN Permanent Custody</i>	<i>\$3,500</i>
<i>Unruly</i>	<i>\$1,000</i>
<i>Other</i>	<i>\$1,000</i>
<i>26(B) Murnahan Felony (degrees 1-2)</i>	<i>\$3,000</i>
<i>Trial 26(B) Murnahan Felony (degree 3) Trial</i>	<i>\$2,000</i>
<i>26(B) Murnahan Felony (degrees 4-5)</i>	<i>\$1,000</i>
<i>Trial OSC Jurisdiction Memorandum</i>	<i>\$1,500</i>

E. Post-conviction and habeas corpus proceedings

- 1. Reimbursement for post-conviction and State habeas corpus proceedings not involving a death sentence will be made based on the maximum rate of \$75.00 per hour for both in-court and out-of- 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 post-conviction and habeas corpus proceedings are:*

<u>Offense/Proceeding</u>	<u>Fee Maximum</u>
<i>Death Sentence 120.33(D).</i>	<i>As set by Capital Fee Council - see R.C.</i> <i>The Council has currently set a rate of \$125 with no fee maximum.</i>
<i>Felony (degrees 1-2) (R.C. 2953.21 Petition/New Trial Mtn)</i>	<i>\$4,000</i>
<i>Felony (degree 3) (R.C. 2953.21 Petition/New Trial Mtn)</i>	<i>\$2,500</i>
<i>Felony (degrees 4-5) (R.C. 2953.21 Petition/New Trial Mtn)</i>	<i>\$1,750</i>
<i>Misdemeanor (60(B))</i>	<i>\$1,500</i>
<i>Juvenile</i>	<i>\$2,500</i>
<i>State Habeas</i>	<i>\$1,500</i>
<i>Expungement</i>	<i>\$300</i>
<i>Judicial Release</i>	<i>\$500</i>
<i>Revocation</i>	<i>\$750</i>
<i>Driving Privileges</i>	<i>\$150</i>

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<i>NGRI/Comp Review</i>	<i>\$750</i>
<i>Jail Time Credit</i>	<i>\$300</i>
<i>Resentencing</i>	<i>\$500</i>
<i>Sex Offender Reclassification</i>	<i>\$750</i>
<i>Withdrawal of Guilty Plea</i>	<i>\$1,000</i>

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Absent</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

OTHER

The Board reviewed upcoming events.

MEETINGS

- Tue., 2/1 The Commissioners will hold regular session at 9:30 a.m.*
- Tue., 2/1 Geauga Trumbull Solid Waste Management District, Board of Directors meeting, 1:00 p.m. Warren, District Office*
- Mon., 2/7 Board of Revision, 9:00 a.m. Auditor's Office*
- Tue., 2/8 Planning Commission, 7:30 a.m. Building #8 meeting room, 470 Center St. Chardon*
- Tue., 2/8 The Commissioners will hold regular session at 9:30 a.m.*
- Tue., 2/8 Pre-Audit meeting with the State Auditor's (following session)*
- Fri., 2/11 NOACA – Finance & Audit 8:30 a.m., Governance 10:00 a.m., Executive 11:30 a.m., Cleveland*

PUBLIC COMMENT

Resident Skip Claypool expressed concern over the recent NOACA meeting and the impact that the immense amount of funding being spent by the Federal government and the impact on the national debt, but all the comments are about Cleveland, and NOACA represents five counties, and everything was all about Cleveland, not even about Cuyahoga County. Mr. Claypool would like to make a proposal to the Board regarding leaving NOACA, and that it makes sense financially to do that, because staying there is making a negative impact on Geauga County.

Another resident Katie Claypool, who indicated there was no relation to Skip Claypool, expressed concern about NOACA and the agency, noting that at the beginning of the meeting that several people were there speaking about an international approach to their focus or how they want to spend the Federal funding, taking away the local control. Mr. Claypool added that the funding is set up for roads and bridges, but they recognized that the scope for NOACA is being forced into areas that they don't need to be involved with. Ms. Claypool added that growing globally is not economical, and that their focus is not local.

Commissioner Spidalieri added that if we could get out tomorrow, he would, but they need to be in an MPO, noting that they are looking into options. Mr. Spidalieri noted that Lake County has concern over the funding they received for Vroom Road project. Mr. Spidalieri noted that he changed his alternate this year to Dr. Oluic from Water Resources because of the focus on Water and Sewer infrastructure.

Mr. Claypool asked for approval to sit with Mr. Morgan and go over a plan to get out of NOACA.

HEALTH DISTRICT

Interim Administrator Adam Litke explained that they had a board meeting coming up and the Board was close to deciding on the Health Commissioner, that they were still running vaccine clinics.

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TAX BILLS

There was a brief discussion about the file that needed to be sent to the printer was received late from the Auditor's Office and that the Treasurer had filed for an extension, and due to the delay that extension was approved and extends the date due by one week.

A press release was put out and ad placed in the paper.

BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to adjourn the meeting at 10:03 a.m.

Geauga County Board of Commissioners

James W. Dvorak

Timothy C. Lennon

Ralph Spidalieri

Christine Blair, Commissioners' Clerk

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