

Commissioners' Journal
April 20, 2018

The Geauga County Board of Commissioners met in special session on April 20, 2018 at 9:00 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 Vice President of the Board, Timothy C. Lennon opened the meeting at 9:02 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.

**Commissioner Spidalieri was absent from this meeting.*

COMMISSIONERS OFFICE – EXECUTE ROETZEL AND ANDRESS RETENTION AGREEMENT – LEGAL REPRESENTATION OF JUDGE TIMOTHY J. GRENDALL AND THE PROBATE / JUVENILE COURT

Mr. Lair explained that the Probate / Juvenile Court wanted to hire outside counsel on a couple of juvenile cases and the Prosecutor did not agree, and came to the Commissioners to hire defense on that action. A while letter Judge Grendell submitted order for outside counsel of Roetzel and Andress and a Retention Agreement. The Commissioners questioned the need for the outside counsel and the hourly rate, noting that the original letter noted that they typically charged \$395.00 per hour but was willing to reduce that to \$365.00 per hour, with a lower rate for an associate. The Commissioners' Office conferred with their outside counsel, Walter Haverfield and Attorney Todd Hunt who expressed the need since it appeared the Prosecutor hadn't filed anything against the Judge. Mr. Lair added that the process for outside counsel to be requested is a joint application with the Commissioners because of the necessary budgetary funding. Mr. Lair noted that encumbrances had been approved in financials to get funds in place in case work occurs to avoid any Then and Now. On Tuesday, the Board approved a letter to Roetzel and Andress about the imminent need for counsel and for consideration of a lower rate. Mr. Funk from Roetzel and Andress contacted the Commissioner's Office and stated that the Prosecutor's Office had filed an Appeal with the 11th District Court of Appeals, and feel that it does impact the Judge and feel his client did need representation, and agreed to extend Geauga the same rate as Cuyahoga county at \$275.00 per hour with a \$225.00 per hour for the Associate, which is the revised Retention Agreement before the Commissioners for consideration today. Commissioner Lennon added that the Judge filed a clarification of order against the Commissioners on Tuesday afternoon after the Board had sent the letter to Roetzel and Andress that included a contempt order against the Commissioners. Once the Board was notified of that action, a letter was drafted and sent to Judge Burt regarding the clarification order, that the Board was not seeking to deny counsel, but that the Commissioners have the right to negotiate the rate. Judge Burt then submitted a response citing the authority of the Commissioners under the ORC in regards to the right to be involved in the process of hiring outside counsel along with protecting the interest of the taxpayers dollars.

Commissioner Claypool expressed frustration about what it was costing the taxpayers, but that it was important to note what the extent of the Commissioners role in the process under the law. Mr. Lennon stated that the Commissioners are not taking a side in the matter but are just simply agreeing to the cost, adding that neither of them are being given a blank check.

Mr. Lennon added that a notice was received from the 11th District Court of Appeals put the Prosecutor's Office back on the two juvenile cases to represent the State, adding that this has circled back to the original reason for all of this being started. Mr. Lennon stated that a lot of this could have been handled by a simple phone call, adding that if it was being handled out of their personal checkbook, they would make the calls before hiring an Attorney. Mr. Lair added that Judge Burt referenced the case with the Commissioners and former Sheriff Red Simmons that ultimately cost over \$1.2 million dollars, which is unfortunate because it could be used for things that benefit the taxpayers.

Mr. Lennon noted that they have been advised to execute the Retention Agreement, and that it is strictly being used for the specific cases, and that it cannot be used for other legal services or cases.

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Motion: by Commissioner Claypool, seconded by Commissioner Lennon to approve and authorize the Vice President of the Board to execute the Roetzel and Andress Retention Agreement regarding Legal Representation of Geauga County Judge, Timothy J. Grendell, and the Geauga County Common Pleas Court Probate / Juvenile Division.

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

Mr. Lair added that for the upcoming budget process that they include some additional line items for legal services. There was a brief discussion about the current rates and charges for outside legal representation.

Local resident Diane Jones asked for the case number on Judge Burt's application, to which Mr. Lennon stated that it was #18MISC000318.

OTHER

The Board reviewed upcoming events.

MEETINGS

Mon., 4/23 Board of Revision, 9:00 a.m. Auditor's Office

Mon., 4/23 ADP Special Meeting, 11:00 a.m. Auditor's Office

Tue., 4/24 The Commissioners will hold regular session at 9:00 a.m.

Wed., 4/25 50 Years of NOACA: Reflecting on the Past, 11:30 a.m. City Club of Cleveland

4/26 – 4/29 Maple Festival, Chardon Square

Tue., 5/1 The Commissioners will hold regular session at 9:00 a.m.

5/6 – 5/12 Public Service Recognition Week

Tue., 5/8 Planning Commission meeting at 7:30 a.m. in the Planning Commission meeting room, Bldg. #1C, 470 Center Street, Chardon

Tue., 5/8 The Commissioners will hold regular session at 9:30 a.m.

Fri., 5/11 NOACA, Finance and Audit 8:30 a.m., Governance 10:00 a.m., and Executive 11:30 a.m., Cleveland, Ohio

BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD

Motion: by Commissioner Claypool, seconded by Commissioner Lennon to adjourn the meeting at 9:23 a.m.

Geauga County Board of Commissioners

Ralph Spidalieri

Timothy C. Lennon

Walter M. Claypool

Christine Blair, Commissioners' Clerk

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