

**Commissioners' Journal**  
**January 19, 2016**

*The Geauga County Board of Commissioners met in special session on January 19, 2016 at 8:34 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, Walter M. Claypool opened the meeting at 8:34 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.*

**COMMISSIONERS' OFFICE – BUDGET HEARING FOR PROBATE/JUVENILE COURT 2016 BUDGET**

*The Commissioners called this meeting to offer the Probate/ Juvenile Court the opportunity to meet with the Board to discuss the Journal Entry that had been received regarding 2016 Appropriations for the Geauga County Common Pleas Court Juvenile Division in the amount of \$124,732.34. Just prior to the start of the meeting Commissioner Claypool received a text from the Court's Budget/Fiscal Director/Liaison that the Court would not be attending the meeting.*

*Budget and Fiscal Manager Heidi Delaney explained the tax budget procedure that is followed by the departments, in that the budget request is entered into the New World system. The Juvenile /Probate Court Judge stated in a letter dated June 16, 2015 that they would not be using the usual the system to submit their budget request, instead providing in his letter totals for the Juvenile Court, the Probate Court and the Detention Center. It was noted that both the Municipal and Common Pleas Court submit their budgetary requests through the New World process.*

*Ms. Delaney stated that as a result, we used 2015 funding as a guide to try and determine where the budgeted expense line items should go based on the totals that were provided. County Administrator David Lair noted that the agencies normally place the requested amount in each line item, citing salaries, benefits, expenses and travel, expressing what the agency needs for the following year. The Commissioners then have to determine based on the budget if the request is reasonable or not reasonable, but with no request from the Court containing the normal line item detail, it is hard to determine the need. Ms. Delaney stated that per the ORC the Board of Commissioners are to appropriate by line items, specifically for personal services. Mr. Claypool stated that the Board is required to fund functions and activities, not an entity; they are required to fund line items by accounts. There is no mechanism to fund "a court" (in one lump sum).*

*Ms. Delaney continued to say that the tax budget was approved and funded in July, adding that part of the process is to hold budget hearings with the agencies in the fall to discuss the tax budget and any additional funding requests. Ms. Delaney stated that the Probate/Juvenile Court declined to participate in the budget hearings. The Permanent Appropriation that was passed in December was the same as it was in the tax budget with exception for money funding the FLIP program, which is found in the Juvenile Courts General Fund budget. In September the Commissioners were notified of grant funding for the operation of the FLIP fund and that this program would be funded through the Care and Custody fund, noting that Ms. Laurie had been asked if it needed to be removed from the General Fund since it would be not be part of that budget; Ms. Laurie responded at that time that she would supply an updated itemization, which was never received. Ms. Delaney stated that the \$124,000.00 that as part of the tax budget was funded in the General Fund budget for the FLIP program was removed from the permanent appropriation. A call was received from Ms. Laurie in December inquiring why it had been removed and she was told the decision was made to put it back into the General Fund. Ms. Delaney stated that she and Mr. Lair called and stated that they would need to approach the Board and asked the Court where they wanted the requested funding put; the Court declined to respond, following which the Journal Entry/Court Order was received telling the Commissioners' Office to put it back into the General Fund budget, but not specifying in to what account they wanted the funds placed.*

*Mr. Lair stated that the Permanent Appropriation is done in December based on the amounts certified by the Budget Commission in the Fall; in January when the unencumbered balance is known, the Supplemental Appropriations are considered based on the requests and the funding*

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*available. Mr. Lair stated that the \$124,000 would be added to the list for the Board to consider, adding that the purpose of the Budget Hearings is to give the agencies every opportunity to explain the additional request or need. Mr. Lair stated that because the Court was concerned when the money was taken away the Judge issued a Court Order asking that the funds be restored. Mr. Lair noted that the purpose of today's meeting was to give the Court the opportunity to explain what line items were short, so the Board could consider supplying the funding. Unfortunately we don't know what line items are short and therefore it is impossible for the Board of Commissioners to consider that request.*

*Mr. Claypool stated that to summarize that we have utilized a budget process and to date the Probate/Juvenile Court has been reluctant in cooperation, which is a problem for the Board, as they need to understand how the funds are being utilized. Mr. Claypool expressed that he was saddened that they did not show, adding that they want to fund the Court, we just need to know and understand how they are using the money. Mr. Claypool showed several documents from the Ohio Judicial Conference and CCAO, recognizing there is a separation of powers, but that the Supreme Court has stated clearly that it is in the best interest of the Courts to work with the Commissioners to help one another in the process of the Board meeting their requirements.*

*Mr. Claypool noted several statements that were included in the Court Order that were misleading, inflammatory and incorrect. Mr. Claypool stated that in the third paragraph that states that the County Commissioners misappropriated funds, to which he stated was a misstatement to put it politely. The Board never misappropriates funds, funds are appropriated based on the best understanding that we have of use, noting that part of this is regarding CASA, which is also a complicated issue. Mr. Claypool continued to note that the order states that the Commissioners failed to adequately fund the Juvenile Court, to which the public might view that they are fully funded and the Board of Commissioners have seen no justification to the contrary. A statement was made that the Board of Commissioners did not provide an explanation to the Court as to why they weren't complying to which it was noted that several attempts were made.*

*Mr. Claypool stated that the Board of Commissioners have a challenge, noting that the Court has requested the Board put \$124,000.00 back into the Court, which we cannot simply put funds "into the Court", noting that a response was made to put it back wherever you want, we will move it, to which Mr. Claypool stated that in order for us to do our jobs we need to know the expense line item describing which activity or service was being funded.*

*Mr. Claypool noted some confusion over \$194,000.00 worth of funding for CASA, adding that there are various funding revenues that come from various sources, noting that the General Fund is the one the Board oversees and the Board is very judicious on how it spends those funds. Ms. Delaney explained that the \$194,000.00 was a planned expense to be transferred into the CASA fund, noting that it has been previously funded through a small grant and the remainder was provided by the General Fund. That funding was part of the tax budget and permanent appropriation but the Commissioners' Office then received notification that they would be receiving approximately \$290,000.00 to cover the program and the transfer would not be necessary based on the grant funding. Ms. Delaney noted that we did not know this at budget time, due to no information being received for any other funds besides the General Fund, noting that we just rolled 2015 forward based on the best information we had at the time. Ms. Delaney stated that it was never transferred to them, that it was only certified as a planned revenue receipt for them at budget time.*

*Mr. Claypool stated that the request is for the \$124,732.34 but does not state which account that those funds are to be placed in. The Court Order expires tomorrow. Commissioner Spidalieri stated that we can't take any action, we posted the meeting and we are wasting time, adding that it is frustrating. Commissioner Rear, clarified that we take no action on the Court Order because we have no account to which we can transfer these funds, however if we do not comply, what is the next step? Mr. Claypool noted that either the Court choose to help us, file a contempt order, or file a mandamus court action. Mr. Spidalieri stated that every year we go through an Audit process, noting that there are certain things we have to do, and that we are making an attempt to work with the Court, but he is not going to put his name on something that he will have to answer for later. At the end of the day, it's simple, we need more information. Mr. Claypool expressed that this is the process of trying to figure out what to do next, and until we have an account number we can't move forward, and then depending on the account we are given we may still decide that it is not reasonable. Mr. Claypool stated that we should send a response back, asking for them to provide an account number for the \$124,000.00 and*

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*clarification on the \$194,000.00. Mr. Rear expressed that hopefully by the steps we have taken it shows that we are willing to work this out, not knowing where it will go from here, but he would be encouraged if someone from the State, be it the Auditor, the Attorney General or the Supreme Court give us advice or an opinion on how we need to handle this.*

*Mr. Claypool asked for a motion:*

*Motion: by Commissioner Rear, seconded by Commissioner Spidalieri to send a letter of response indicating they need additional information to make an informed decision, and are willing to hold a hearing or meeting at any time, clarification of the account number in which they want to have the \$124,000.00 and clarification on the \$194,000.00 in that it will stay in the General Fund.*

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

*John Karlovec from the Geauga County Maple Leaf inquired if there had been any communication following the letter that the Board of Commissioners sent to the Judge regarding today's meeting, to which it was noted that the Kim Laurie, the Court's Liaison sent Mr. Claypool a text stating that they would not be attending this am. Mr. Lair noted that he had contacted Ms. Laurie last Friday to let her know of the time and date of the meeting and at that time she was unsure of what the plan of the Court was on attending.*

*Mr. Karlovec stated that at the end of 2015 the Court had expressed working with the Board of Commissioners in 2016, and asked for a response from the Commissioners if this is a signal of sincerity of that offer, to which Mr. Claypool stated that "actions speak louder than words", that we want nothing more than to work with the Courts, noting that he had reached out to have a meeting with the Court, to which we had learned that the Judge was unavailable and out of town. Mr. Claypool stated that the Board will continue to reach out to do what is right for the people of this county.*

*Mr. Karlovec stated that the Court has expressed its role and separation of powers, inquiring when does there comes a time that the Board will need to exercise its responsibility to the taxpayers, to which it was noted that this is what we are doing now, understanding that the Board is not going to roll over, that they are going to protect the taxpayer, and with the way that the law is wired, it would have to happen through the Court, however we have the right to challenge the stipulations that the Court can put forth. Mr. Karlovec asked the Board if felt that the Court recognizes the Authority of the Board, to which they responded, no.*

*Mr. Rear expressed that while he doesn't have a problem with the Judge being given the money, however, we need to know what he is going to spend it on. Mr. Karlovec inquired if they Board had been in contact with the State Auditor's office, to which Ms. Delaney stated that they have contacted them and asked for clarifications on some expenditures and if they would be something that would be cited in an Audit. Mr. Claypool stated that everyone is a little shy when it comes to the Court. The only accountability, the only transparency at all associated with the Court that is not open and not willing to share with the public is the Court order, the Judge is fully funded, he asked for funding which was given to him, and the only way for people to see what is happening is the Court Order, which allows the people to judge, as we are doing the best we can do. The difference in the budget was the \$124,000.00 that we were told was going too funded through another source. Mr. Spidalieri added that he is frustrated, as someone is paid for this Court budgetary position and then that person doesn't show up for a budgetary meeting, adding that it's like being a chef in a five star restaurant and not showing up to the food show, expressing that he doesn't understand how you just don't show up, and that we, the Board need to move past this.*

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***BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD***

*Motion:*            *by Commissioner Rear, seconded by Commissioner Spidalieri to adjourn the meeting at 9:15 a.m.*

*Geauga County Board of Commissioners*

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*Walter M. Claypool*

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*Ralph Spidalieri*

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*Blake A. Rear*

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*Christine Blair, Commissioners' Clerk*

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