

AGENDA

Wayne County Commissioners' Special Session of November 3, 2011

- Pledge of Allegiance to the Flag
- Call to Order & Roll Call of Commissioners Present
- Approval of Agenda

Date	Res.#	Resolution Title
11/3	2011-537	Authorization to Appoint Martin Frantz as Special Prosecutor
11/3	2011-538	Authorization of Participation of Wayne County as Amicus Curiae in Support of Knox County in the Case of Stockberger et al. v. Henry, Ohio Supreme Court Case No. 2011-0859

Resolution

No. 2011-537

Board of Wayne County Commissioners
Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: November 3, 2011

Subject: **Authorization to Appoint Martin Frantz as Special Prosecutor**

It was moved by Mr. Carmichael and seconded by Mrs. Obrecht that the following resolution be adopted:

WHEREAS, the Wayne County Prosecuting Attorney is charged with the responsibility for prosecuting all violations of state law; and

WHEREAS, an investigation has concluded regarding theft offenses that were allegedly committed by Clark Nichols on or about October 26, 27, and 28, 2011, wherein John Williams was a victim; and

WHEREAS, John Williams is an Assistant Prosecuting Attorney with the Wayne County Prosecuting Attorney's Office; and

WHEREAS, Prosecuting Attorney, Dan Lutz, is of the opinion that a conflict exists in this case that prevents the Wayne County Prosecutor's Office from prosecuting this matter since an employee is a victim of said crimes; and

WHEREAS, Attorney Martin Frantz has agreed to handle any further investigation or prosecution of these crimes; and

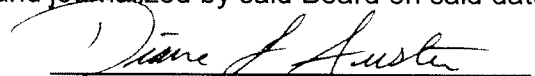
WHEREAS, Revised Code 305.14(A) allows the Court of Common Pleas to appoint a Special Prosecutor upon the application of the Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED that the Board of Wayne County Commissioners should make application to the Court of Common Pleas of Wayne County, Ohio, pursuant to RC 305.14, to authorize the employment of Martin Frantz, as Special Prosecutor, for the purpose of handling any investigation or prosecution of crimes committed on or about October 26, 27, and 28, 2011, by Clark Nichols and any co-defendants.

The vote is as follows: Jim Carmichael ___ Ann M. Obrecht ___ Scott S. Wiggam ___

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.



Diane L. Austen, Clerk

Resolution

No. 2011-538

Board of Wayne County Commissioners
Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: November 9, 2011

Subject: **Authorization of Participation of Wayne County as Amicus Curiae in Support of Knox County in the Case of Stockberger et al. v. Henry, Ohio Supreme Court Case No. 2011-0859**

It was moved by Mr. Carmichael and seconded by Mrs. Obrecht that the following resolution be adopted:

WHEREAS, the Knox County Commissioners and the Knox County Engineer have been engaged in litigation (Stockberger et al. v. Henry, Case No. 10CA000018, Knox County Court of Appeals) to determine whether the Commissioners may require the Engineer to use motor vehicle and gas tax funds controlled by the Engineer to pay the Engineer's Office's share of property and liability insurance costs; and

WHEREAS, this issue is an important one to all Ohio counties in this time of very difficult funding decisions; and

WHEREAS, the County Commissioners Association of Ohio (CCAO) has asked Wayne County to join it in an amicus curiae brief to be filed in the Ohio Supreme Court in support of the legal positions taken by the Knox County Commissioners, and this Board wished to do so;

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

Section 1 That Wayne County agrees to join with CCAO to participate as amicus curiae in support of the Knox County Commissioners in the case of Stockberger et al. v. Henry, Ohio Supreme Court Case No. 2011-0859 in favor of the legal position that Article XII, Section 5a of the Ohio Constitution authorizes the use of motor vehicle and gas tax funds to defray a county's costs covering the risk of liability and loss resulting from the operations of a county engineer's highway department.

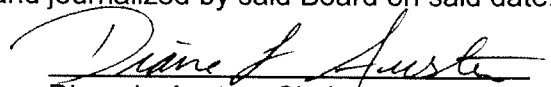
Section 2 That it is understood that this participation will be at no cost to Wayne County.

Section 3 That this Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Board of County Commissioners and that all deliberations of the Board of County Commissioners and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

The vote is as follows: Jim Carmichael ___ Ann M. Obrecht ___ Scott S. Wiggam ___

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.


Diane L. Austen, Clerk