

Wayne County Commissioners' Agenda

- Pledge of Allegiance to the Flag
- Call to Order Regular Session of March 4, 2020
- Announcement of Commissioners in Attendance
- Approval of Agenda
- Approval of minutes from February 26, 2020 through March 3, 2020

Date	Res. #	Resolution Title
3/4	2020-96	Approval of County Bills
3/4	2020-97	Approval of County Home Bills
3/4	2020-98	Appropriation Transfer Approval
3/4	2020-99	Fund Transfer Approval
3/4	2020-100	Personnel Change Approval
3/4	2020-101	Travel/Training Expense Approval
3/4	2020-102	Organizational Membership Approval
3/4	2020-103	Special Event Expense Approval
3/4	2020-104	Approval of an Amended Exhibit A to an Agreement with the Muskingum Watershed Conservancy District (Stream Gauge Project)
3/4	2020-105	Resolution to Accept the One Ohio Memorandum of Understanding (MOU)
3/4	2020-106	Authorization to Appoint Philip Bogdanoff as Special Prosecutor

Resolution

No. 2020-96

Board of Wayne County Commissioners
Ron Amstutz Rebecca S. Foster Sue A. Smail

Adopted: March 4, 2020

Subject: **Approval of County Bills**

It was moved by Commissioner Smail and seconded by Commissioner Amstutz that the following resolution be adopted:

Computer run dated March 3, 2020 for County Bills in the amount of \$201,634.37, Interagency Transaction/Payment batch #6504 & 6505 in the amount of \$25,655.23, taxable travel reimbursements in the amount of \$41.90 and any Then & Now Certificates are hereby approved for payment.

As taxing authority, the Then & Now Certificates submitted as of this date for the Board of Elections, Children Services, Department of Developmental Disabilities, Soil and Water and Veterans Services are approved for processing by the Auditor.

The vote is as follows: Ron Amstutz yea Rebecca S. Foster yea Sue A. Smail yea

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. 2020-97

Board of Wayne County Commissioners
Ron Amstutz Rebecca S. Foster Sue A. Smail

Adopted: March 4, 2020

Subject: **Approval of County Home Bills**

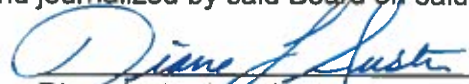
It was moved by Commissioner Smail and seconded by Commissioner Amstutz that the following resolution be adopted:

Computer run dated March 3, 2020 for County Home Bills in the amount of \$6,477.09, Interagency Transaction/Payment batch #6509 in the amount of \$6,335.80, and any Then & Now Certificates are hereby approved for payment.

The vote is as follows: Ron Amstutz yea Rebecca S. Foster yea Sue A. Smail yea

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. 2020-98

Board of Wayne County Commissioners
Ron Amstutz Rebecca S. Foster Sue A. Smail

Adopted: March 4, 2020

Subject: **Appropriation Transfer Approval**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

The following appropriation amounts are to be transferred by the Wayne County Auditor.

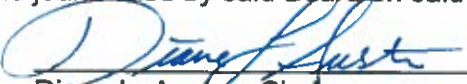
Appropriation Transfers:

Map	To cover necessary expenses			
\$2,000.00	From	Salaries	A012A02	001.5025.04.5001.000.000
	To	Other Expenses	A012A08	001.5025.04.5900.000.000

The vote is as follows: Ron Amstutz yea Rebecca S. Foster yea Sue A. Smail yea

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. 2020-99

Board of Wayne County Commissioners
Ron Amstutz Rebecca S. Foster Sue A. Smail

Adopted: March 4, 2020

Subject: **Fund Transfer Approval**

It was moved by Commissioner Smail and seconded by Commissioner Amstutz that the following resolution be adopted:


Fund Transfers:

Department	Amount	From (Fund)	From Approp Acct	To (Fund)	To Receipt Acct
Commissioners	\$49,542.75	General Fund-A00 Fund 001	Transfers Public Assistance 001.0170.13.5930. 000.000 A009-E01	Job & Family Services H00 Fund 026	Transfers in 026.0171.00.4904. 000.000 H001-B09
To provide the general fund mandated share to the WCDJFS for the 1 st Qtr. of CY2020 (sfy20Q3)					

The vote is as follows: Ron Amstutz yea Rebecca S. Foster yea Sue A. Smail yea

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. 2020-100

Board of Wayne County Commissioners
Ron Amstutz Rebecca S. Foster Sue A. Smail

Adopted: March 4, 2020

Subject: **Personnel Change Approval**

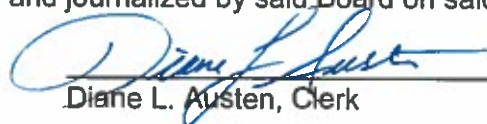
It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

Department	Name	Title	Effective Date	Status Change
Care Center	Pamela Gardner	RN	3/1/2020	Resigned
Care Center	Sandra Grassman	Food Service Worker	3/1/2020	To intermittent from p/t

The vote is as follows: Ron Amstutz yea Rebecca S. Foster yea Sue A. Smail yea

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. 2020-101

Board of Wayne County Commissioners

Ron Amstutz Rebecca S. Foster Sue A. Smail

Adopted: March 4, 2020

Subject: Travel/Training Expense Approval

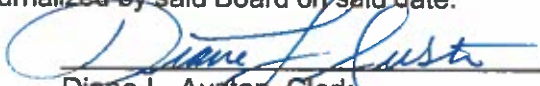
It was moved by Commissioner Smail and seconded by Commissioner Amstutz that the following resolution be adopted:

Dept./Person	Where	Date	Travel	Travel (taxable)	Seminar, Conf., Mtg., etc.
Airport					
Amanda McGee, Matthew Long	Dublin	5/28-29/2020	510.00	0	Ohio Aviation Assoc. Annual Conf.
Auditor					
Jarra Underwood	Medina	3/6/2020	15.00	0	NE Auditors' Dist. Mtg.
Commissioners					
Barb Chapin, Patrick Herron, Misty White, Marcy Stoller	Columbus	4/30/2020	0	0	Ohio Consumer Advisory Committee Mtgs. (Delta Dental)
Commissioners / Care Center					
Debby Eby, Donna Holmes	Wooster	3/9 & 4/20/2020	400.00	0	Excel classes
Common Pleas					
Jacquelyn Marks Dossi	Sandusky	4/28-5/1/2020	747.00	0	OH Assoc. of Magistrates Spring Conf.
Jacquelyn Marks Dossi	Columbus	4/2-3/2020	394.00	0	Domestic Rel. & Juv. Spring Seminar
Common Pleas / Adult Prob.					
Dominic Palmucci	Columbus	4/1-2/2020	325.00	0	Annual Line Officer Trng.
Tyler Beamon	Columbus	4/1-2/2020	325.00	0	Annual Line Officer Trng.
Matt Zaleski, Tyler Beamon	Columbus	3/20/2020	140.00	24.00	Changing Offender Behavior Trng.
Engineer					
T.J. Shamp, Joe Burns, Dave Corbett	Cleveland	4/20/2020	120.00	0	North American Snow Conf.
T.J. Shamp	Columbus	3/26/2020	65.00	0	Snow Ops Tech Talk
Juv./Probate Court					
Latecia Wiles	Columbus	3/20/2020	115.00	0	Supreme Court Advisory Committee on Case Mgmt.
Latecia Wiles	Columbus	4/2-3/2020	387.00	0	OJC Juv. Judges Spring Seminar
Heather Smith	Sandusky	4/29-5/1/2020	576.00	0	OAM Spring Conf.
Latecia Wiles	Canton	4/30/2020	43.00	0	OH Judicial Conf. Forms Comm. Mtg.
Latecia Wiles	Canton	4/10/2020	31.00	0	Multi. Co. Judge's Mtg.
Latecia Wiles	Canton	5/6/2020	34.00	0	50 th Anniv. MCJAS
Latecia Wiles	Columbus	5/8/2020	115.00	0	Specialized Docket Judges Mtg.
Latecia Wiles	Canton	9/29/2020	31.00	0	Multi. Co. Judge's Mtg.
Latecia Wiles	Akron	4/8/2020	33.10	0	Collaborative Community Team Mtg.: Strategies
Joshua Newton	Sandusky	4/29-5/1/2020	375.00	0	OH Assoc. of Magistrates Spring Conf.
Municipal Court					
Denise Favalon, Terri Boreman	Columbus	3/11-12/2020	1,450.00	0	Basic Mediation Trng.
Robert Ecker	Perrysburg	5/20/2020	0	0	Court Security Fundamentals
Robert Ecker	Perrysburg	6/16/2020	0	0	Essential Communication Skills
Public Defender					
Lisa Brown	Columbus	5/20-21/2020	399.00	0	Annual Juv. Def. Leadership Summit
Rodney Baca	Columbus	5/20-21/2020	399.00	0	Annual Juv. Def. Leadership Summit

The vote is as follows: Ron Amstutz yea Rebecca S. Foster yea Sue A. Smail yea

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. 2020-102

Board of Wayne County Commissioners
Ron Amstutz Rebecca S. Foster Sue A. Smail

Adopted: March 4, 2020

Subject: **Organizational Membership Approval**

It was moved by Commissioner Smail and seconded by Commissioner Amstutz that the following resolution be adopted:

Department	Organization	Person / Entity	Fee/Each	Total
Coroner	Ohio State Coroner's Assoc.	Amy Jolliff, M.D.		3,290.00

The vote is as follows: Ron Amstutz yea Rebecca S. Foster yea Sue A. Smail yea

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. 2020-103

Board of Wayne County Commissioners
Ron Amstutz Rebecca S. Foster Sue A. Smail

Adopted: March 4, 2020

Subject: **Special Event Expense Approval**


It was moved by Commissioner Smail and seconded by Commissioner Amstutz that the following resolution be adopted:

Department	Event/Purpose (items being purchased)	Date	Expenses Not to Exceed
Auditor	Ohio Dept. of Agriculture Regional Trng. to be held at the Vanover Bldg. (coffee, beverages and pastries)	4/14-15/2020	200.00
Engineer	CPR/First Aid Trng. (Instructor/Class Materials \$200; lunch \$125)	3/13/2020	325.00

The vote is as follows: Ron Amstutz yea Rebecca S. Foster yea Sue A. Smail yea

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. 2020-104

Board of Wayne County Commissioners
Ron Amstutz Rebecca S. Foster Sue A. Smail

Adopted: March 4, 2020

Subject: **Approval of an Amended Exhibit A to an Agreement with the Muskingum Watershed Conservancy District (Stream Gauge Project)**

It was moved by Commissioner Smail and seconded by Commissioner Amstutz that the following resolution be adopted:

WHEREAS, the Muskingum Watershed Conservancy District (MWCD) has made grant funds available through its Partners in Watershed Management Project Assistance Program; and

WHEREAS, the MWCD has awarded the Board an amount not to exceed \$19,372.00 in reimbursement grant funds for the Wayne County High Water Warning System Project; and

WHEREAS, the Board, via Resolution No. 2020-82, approved the acceptance of the reimbursement grant funds and approved an agreement with MWCD for said funds; and

WHEREAS, the terms of the Board's agreement with MWCD require that "Exhibit A" to the agreement meet certain requirements; and

WHEREAS, an amended "Exhibit A" that meets said requirements has been prepared.

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

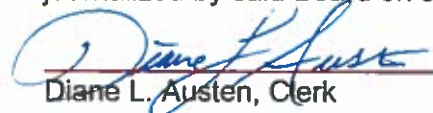
Section 1. The Board approves an amended "Exhibit A" to the Board's agreement with the Muskingum Watershed Conservancy District for reimbursement funding for the Wayne County High Water Warning System Project.

Section 2. The amended "Exhibit A" shall completely replace the version of the exhibit that was originally attached to the agreement referenced above in Section 1. Said original version shall be completely removed from the Agreement referenced above in Section 1.

The vote is as follows: Ron Amstutz yea Rebecca S. Foster yea Sue A. Smail yea

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. 2020-105

Board of Wayne County Commissioners
Ron Amstutz Rebecca S. Foster Sue A. Smail

Adopted: March 4, 2020

Subject: **Resolution to Accept the One Ohio Memorandum of Understanding (MOU)**

It was moved by Commissioner Smail and seconded by Commissioner Amstutz that the following resolution be adopted:

WHEREAS, the Board of County Commissioners of Wayne County, Ohio (the "Board"), caused a lawsuit to be filed on its behalf in the United States District Court for the Northern District of Ohio in 2018, seeking to hold opioid manufacturers and distributors accountable for the damage caused by their misfeasance, nonfeasance, and malfeasance; and

WHEREAS, since that time, the Board's lawsuit has been joined with other lawsuits of local governments throughout the country as part of multi-district civil litigation captioned In Re: National Prescription Opiate Litigation, Case No. 1:17-MD-2804, against any and all necessary opioid manufacturers and distributors; and

WHEREAS, it continues to be the desire of the Board to pursue any and all claims for relief as a litigating plaintiff in civil litigation captioned In Re: National Prescription Opiate Litigation, Case No. 1:17-MD-2804, against any and all defendants necessary; and

WHEREAS, the State of Ohio, through its Attorney General, is separately engaged in litigation seeking to hold opioid manufacturers and distributors accountable for the damage caused by their misfeasance, nonfeasance, and malfeasance with trials scheduled to begin during the summer and fall months of 2020; and

WHEREAS, on or about the 11th day of February, 2020 and as a result of the common desire of the State of Ohio and its local governments, including the Board, to abate and alleviate the impacts of the misfeasance, nonfeasance and malfeasance of certain opioid manufacturers and distributors, the Board received a draft of the One Ohio Memorandum of Understanding; and

WHEREAS, since that time, the local governments, including the Board, have been given multiple opportunities, by and through counsel, to voice concerns regarding the terms and conditions of the draft of the One Ohio Memorandum of Understanding; and

WHEREAS, as a result of local governments, including the Board, voicing those concerns, the One Ohio Memorandum of Understanding has been redrafted in a manner intended to alleviate said concerns; and

WHEREAS, it is the opinion of the Board that Wayne County, Ohio, is likely to receive a more favorable resolution of the civil litigation in a more timely manner by joining forces with other local governments and the State of Ohio to address the opioid epidemic and the grave effects it has had on the citizens of the State of Ohio and Wayne County, Ohio; and

WHEREAS, it is the understanding and desire of the Board that the One Ohio Memorandum of Understanding will permit collaboration between the State of Ohio and local governments to explore and potentially effectuate earlier resolution of the civil litigation against the opioid manufacturers and distributors; and

WHEREAS, it is the understanding and desire of the Board that the One Ohio Memorandum of Understanding may permit an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and local governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout the State of Ohio and specifically in Wayne County, Ohio; and

WHEREAS, the Board retains the right to accept or decline any and all settlement offers as they may be presented to the Board in the future; and

WHEREAS, the Board hereby retains any and all legal rights it possesses in pursuing any and all claims against the opioid manufacturers and distributors in the event settlements cannot be reached.

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

Section 1. The Board accepts the One Ohio Memorandum of Understanding as currently drafted, together with all attachments.

Section 2. The Board authorizes the Wayne County Administrator, on behalf of the Board, to execute the One Ohio Memorandum of Understanding, as said memorandum is currently drafted. The Board also authorizes the Wayne County Administrator, on behalf of the Board, to execute any and all amended, revised, modified, etc., versions of the One Ohio Memorandum of Understanding. Furthermore, the Board authorizes the Wayne County Administrator, on behalf of the Board, to execute any and all amendments, revisions, modifications, etc., to the One Ohio Memorandum of Understanding.


Section 3. The Board authorizes the Wayne County Prosecutor and/or his designee to take any and all actions necessary to effectuate this resolution.


Section 4. All formal action of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5. This resolution shall be in full force and effect from and after the earliest period allowed by law, as a statement of policy for Wayne County, Ohio.

The vote is as follows: Ron Amstutz yea Rebecca S. Foster yea Sue A. Smail yea

Passed this 4th day of March, 2020.





ATTEST:

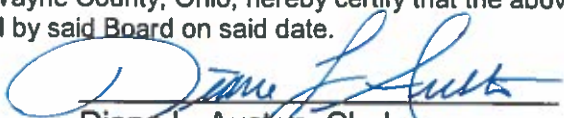


CLERK



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. 2020-106

Board of Wayne County Commissioners
Ron Amstutz Rebecca S. Foster Sue A. Smail

Adopted: March 4, 2020

Subject: **Authorization to Appoint Philip Bogdanoff as Special Prosecutor**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

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

WHEREAS, the Ninth District Court of Appeals' February 24, 2020 decision in *State v. Claren*, 2020-Ohio-615, is adverse to the State of Ohio; and

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

WHEREAS, it is necessary and desirable for a Special Prosecutor to assist the Wayne County Prosecuting Attorney as the Prosecuting Attorney pursues and exhausts all appellate remedies to correct the decision in *State v. Claren*, 2020-Ohio-615, including, but not limited to, filing an application for reconsideration with the Ninth District Court of Appeals, certifying a conflict, and appealing the decision to the Ohio Supreme Court, if necessary; and

WHEREAS, Attorney Philip Bogdanoff, is qualified and capable and has agreed to assist the Wayne County Prosecuting Attorney as the Prosecuting Attorney strives to exhaust all appellate remedies available to it in light of the adverse decision in *State v. Claren*, 2020-Ohio-615.

NOW, THEREFORE, BE IT RESOLVED that the Board of Wayne County Commissioners authorize the Prosecuting Attorney to file an application with the Administrative judge of the Court of Common Pleas, Wayne County, Ohio, pursuant to RC 305.14, authorizing the employment of Attorney Philip Bogdanoff as Special Prosecutor to assist, aid, and represent the State of Ohio as appellate counsel in all matters related to Paul Claren and the Ninth District Court of Appeals' decision in *State v. Claren*, 2020-Ohio-615.

The vote is as follows: Ron Amstutz yea Rebecca S. Foster yea Sue A. Smail yea

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