

DECEMBER 20, 2007

At 9:00 a.m., the Gallia County Board of Commissioners met on this date for the purpose of approving the minutes of the previous meeting, the current bills and transfers and appropriations requests. Commissioners present: Mr. David K. Smith, President; Mr. Justin L. Fallon, Vice-President and Mr. Howard J. "Joe" Foster, Member.

David Smith entertained a motion for approval of the December 13, 2007 minutes. Joe Foster made and Justin Fallon seconded a motion of approval as written. Roll call: Mr. Smith, yea; Mr. Fallon, yea; Mr. Foster, yea.

TRAVEL

JFS
Polly Bowcott, David Carmin, 12/18/07, Columbus, training

David Smith entertained a motion to approve travel as requested. Joe Foster made and David Smith seconded the motion. Roll call: Mr. Smith, yea; Mr. Foster, yea; Mr. Fallon, yea.

ANIMAL SHELTER REPORTS

Week ending December 16, 2007: adopted 1; euthanized 11; rescued 3

GIS TAX MAP PROJECT:JOHN GRUBB, SETH MONTGOMERY AND PAUL HUTCHINS

IT Director John Grubb reported to the Commissioners that the GIS team has most of the tax maps completed and are now looking at whether ILGARD (Institute for Local Government and Rural Development) will host the data or have it done in-house. He has a quote of \$28,246 from ILGARD which is an estimate of hardware/software and licenses. If ILGARD hosts the program, it will cost \$300 a month. They were asked to keep the Auditor's office informed of each step.

SANITATION: GARY MYERS AND DONNIE COCHRAN

Sanitation personnel, Gary Myers and Donnie Cochran met for an evaluation of Donnie's work performance. David Smith made a motion to increase employee hourly rate of pay for Donnie Cochran by \$0.15 an hour subject to his successful completion of his temporary probationary period raising his pay to \$7.00 per hour effective December 24, 2007. Joe Foster made and David Smith seconded the motion. Roll call: Mr. Smith, yea; Mr. Foster, yea; Mr. Fallon abstained. The salary is paid from the sewer fund. Donnie will also receive the \$0.50 hourly raise in January, 2008, along with all employees which the Commissioner's approved last week.

CERTIFICATE OF COMPLETIONFY 2006 GOA STATE ARC GRANT (A-06-025-1)

Karen Sprague, County Administrator, presented the Commission with the Certificate of Completion form for the County's FY 2006 GOA State ARC Grant (A-06-025-1) which must be submitted to the Ohio Department of Development upon completion of the grant. David Smith entertained a motion that the Certificate of Completion be approved and signed as presented. Joe Foster made and Justin Fallon seconded that motion. Upon roll call votes were as follows: David Smith, yea; Justin Fallon, yea; Joe Foster, yea. The form is on file in the County's CDBG grant files.

CERTIFICATE OF COUNTY-WIDE COST ALLOCATION PLAN

Karen Sprague, County Administrator, presented the Commission with the Certificate of County-wide Cost Allocation Plan for approval and signing. Justin Fallon made and Joe Foster seconded a motion to approve and sign the form as presented. Upon roll call votes were as follows: David Smith, yea; Justin Fallon, yea; Joe Foster, yea.

AIRPORT AWOS PROJECT UPDATE

Karen Sprague, County Administrator, presented the Commission with an email update from Rick Grice of Delta Airport Consultants, Inc. as follows: AWOS construction progress is looking good. Jess Howard Electric, project contractor, is waiting on AEP to make electrical connection so they can proceed. After the power is connected Jess Howard will erect the tower and connect obstruction light. Fencing should be installed in the next couple of weeks, weather permitting. Commission Smith advised that he had received a call from the airport board requesting assistance in contacting AEP to make the electrical connection as soon as possible and he will make this call on their behalf. No action taken.

2008 AGREEMENT FOR INDIGENT DEFENSE SERVICES
IN MUNICIPAL COURT
(Public Defender)

Commissioner Smith entertained a motion to approve the following 2008 Agreement for Indigent Defense Services in Municipal Court contingent upon the approval of the City of Gallipolis. Justin Fallon moved and Joe Foster seconded the motion. Upon roll call votes were as follows: David Smith, yea; Justin Fallon, yea; Joe Foster, yea.

This Agreement is entered into by and between the Gallia County Commissioners, (or County Public Defender Commission), with a mailing address of 18 Locust Street, Room 1292, Gallipolis, Ohio 45631, (hereinafter referred to as the "COUNTY"), and the city of Gallipolis, with a mailing address of 518 Second Avenue, Gallipolis, Ohio 45631 (hereinafter referred to as the "CITY").

WHEREAS, the CITY recognizes its responsibility under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with a violation of a CITY ordinance for which the penalty or any possible adjudication includes the potential loss of liberty, and

WHEREAS, Gallia County has adopted a program whereby a County Public Defender Commission has been formed and has contracted with a Not for Profit Corporation, "Gallia County Criminal Defense Corporation", in the County of Gallia.

WHEREAS, the Gallia COUNTY Public Defender Commission pursuant to Ohio Revised Code §120.14 and §120.16 may enter into a contract with a municipal corporation whereby the County provides legal representation to indigent adults and juveniles charged with a violation of an ordinance of a municipal corporation for which the penalty or possible adjudication includes the potential loss of liberty and under which the municipal corporation shall pay the COUNTY for these services.

WHEREAS, these contracts must contain terms in conformance with Ohio Administrative Code 120-1-09 and the parties must follow the Ohio Public Defender Commission standards and guidelines and the State Maximum Fee Schedule for Appointed Counsel, in order for the COUNTY to obtain reimbursement for indigent defense costs pursuant to Ohio Revised Code §120.18, §120.33 and §120.35, and pay the CITY it's appropriate share if such has not already been calculated into the formula to determine compensation, and

WHEREAS, this Agreement has been authorized by the CITY by Ord. # _____, passed by the CITY Council on _____, and by Resolution passed by the Board of Commissioners of Gallia County on 12/20/2007.

NOW THEREFORE, the parties do mutually agree to bind themselves as follows:

1. REPRESENTATION

1.1 The COUNTY will contract with the CITY to provide legal representation in Municipal Court on or after the commencement date and during the term of this agreement in which the defendant is indigent and charged with the commission of an offense or act which is a violation of a CITY ordinance and for which the penalty or any possible adjudication includes the potential loss of liberty, except in those matters where the Public Defender, its attorneys or designees have a conflict of interest.

1.2 Indigency shall be determined in accordance with the standards of indigency and other rules and guidelines established by the Ohio Public Defender's Commission and the State Public Defender, pursuant to Ohio Revised Code §120.03 and Ohio Administrative Code §120-1-03.

1.3 A major purposes of this agreement is to enable the COUNTY and CITY to obtain partial reimbursement of its costs to have the not-for-profit corporation, "Gallia County Criminal Defense Corporation", or appointed counsel in conflict situations, provide legal representation in Gallipolis Municipal Court and Gallia County Common Pleas Court for indigent adults and juveniles charged with any violation of a CITY ordinance for which the

penalty or any possible adjudication includes the potential loss of liberty. Any question regarding terms or performance of this agreement should be resolved in favor of obtaining this result.

2. COMPENSATION

2.1 CITY agrees to pay the COUNTY as follows:

The sum of Ten Thousand Dollars (\$10,000.00) which shall constitute full and complete payment for all the Public Defender services during the term of this agreement.

Amounts paid by the Municipality for representation of such indigent persons, whether by a contractual amount or fee schedule, shall not exceed the fee schedule in effect and adopted by the County Commissioners.

2.2 The sum shall be paid in quarterly payments of \$2,500.00 dollars on the following dates: March 31st, June 30th, September 30th and December 31st of each year;

2.3 If the CITY must make said payments no later than March 31st, June 30th, September 30th and December 31st. The COUNTY will issue quarterly invoices.

2.4 In situations where outside Counsel is appointed for representation in the Municipal Court in conflict situations, shall be paid according to the schedule promulgated by the County under O.R.C. 120.33.

2.5 The COUNTY and CITY agree that the COUNTY will keep any reimbursement received from the Office of the Ohio Public Defender Commission pursuant to Chapter 120 of the Ohio Revised Code for any amounts the CITY expended pursuant to this agreement for assigned counsel costs.

3. DURATION OF CONTRACT and TERMINATION

3.1 The term of this agreement shall be January 1, 2008 to December 31, 2008.

3.2 If COUNTY or CITY shall fail to fulfill in a reasonable, timely and proper manner its obligations under this agreement or if either party shall substantially violate any of the covenants, agreements or stipulations of this agreement, then the aggrieved party shall hereupon have the right to terminate this agreement by giving written notice to the other party of such termination and specifying an effective date thereof at least thirty (30) days before the effective date of said termination. Termination by either party shall not constitute a waiver of any other right or remedy it may have in law or in equity for breach of this agreement by the other party.

3.3 Written notice shall be considered furnished when it is sent by Certified Mail, return receipt requested or is hand delivered.

4. TERMS OF AGREEMENT

4.1 Indigency and client eligibility for representation under this agreement shall be determined under the terms of Ohio Revised Code Section 120.05 and the Ohio Administrative Code

4.2 Recognizing that the requests for reimbursements must be received by the State Public Defender within sixty (60) days of the end of the calendar month in which a case is finally disposed of by the Court, the Gallipolis Municipal Court Clerk shall promptly notify the COUNTY of the Municipal ordinance cases completed and pending in any month.

4.4 After approval, the County Auditor shall thereafter, process the fees and expenses approved by the Court in accordance with the procedure set forth in Ohio Revised Code §120.33.

4.5 There shall be no discrimination against any employee who is employed in the work covered by this agreement or against any application for such employment because of the race, color, religion, sex, age, handicap or national origin. This provision shall apply to, but not be limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, raises of pay or other forms of compensation, and selection for training, including apprenticeship. The COUNTY shall insert a similar provision in any subcontract for services covered by this agreement.

4.6 No personnel of the parties or member of the governing body of any locality or other public official or employee of any such locality in which, or relating to which, the work under this Agreement is being carried out, and who exercises any functions or responsibilities in connection with the review or approval of the understanding or carrying out of any such work, shall, prior to the completion of said work, voluntarily acquire any personal interest, direct or indirect, which is incompatible or in conflict with the discharge and fulfillment of his or her functions and responsibilities with respect to the carrying out of said work.

the approval of the County Prosecuting Attorney. The agreement has been approved and signed by the County Prosecuting Attorney. Commissioners signed the document as presented.

EMS CONTRACT SIGNING

David Smith entertained a motion to approve the EMS contract as submitted and recommended by EMS Director Larry Boyer. Justin Fallon made and Joe Foster seconded the motion. Roll call: Mr. Smith, yea; Mr. Fallon, yea; Mr. Foster yea. The signed copies were returned to Director Boyer for distribution to the State, Union and County Payroll Office.

JOB & FAMILY SERVICES DIRECTOR

Director Dana Glassburn presented a Memorandum of Understanding made between the GC JFS Director and CWA Local 4320.

MEMORANDUM OF UNDERSTANDING

This memorandum of Understanding is hereby made between the Gallia County DJFS Director and CWA Local 4320.

Pursuant to Article 31, Section 31.1 the Employees of Gallia County DJFS are subject to the Health Insurance Benefit Plan, including all terms, benefits and conditions as adopted and accepted by the County Commissioners, for all affected County employees, as stated in the County Benefit Plan.

Pursuant to Article 31, Section 31.4 the Union is to be notified of any change in the Benefit Plan.

Accordingly there has been a change in the County's Benefit Plan and Buyout Policy, in as much as the Buyout option has been increased from \$1,000.00 to \$1,500.00

Therefore, this Memorandum of Understanding is to serve as an agreement to change the \$1,000.00 buyout listed in Article 31, Section 31.4 to the new Buyout Policy amount of \$1,500.00, effective for the calendar year of 2007.

Furthermore, it is agreed that for the years of 2008 and 2009 this buyout amount will match the highest amount paid by the County of Gallia to all other employees, including both non union and unionized employees. In no event, during the life of this agreement, or any new agreement, shall any employee's buyout amount fall below \$1,000.00

All other issues and sections remain unaffected.

Director of GC DJFS

DATE

Chief Steward, CWA 4320

No action taken.

Director Glassburn then presented a Contract for Purchase of Publicly Funded Child Care Services between the GC JFS and Traci Chapman, Type B provider. Justin Fallon made and Joe Foster seconded the motion. Roll call: Mr. Smith, yea; Mr. Foster, yea; Mr. Fallon, yea. The contract term is from November 19, 2007 to June 30, 2008.

Maximus, Inc. presented a Maintenance Plan Contract in the amount of \$2,200 for the Program Expenditures Tracking System (PET) for support and maintenance for 2008. David Smith entertained a motion to approve signing the Maximus contract as recommended by Director Glassburn. Joe Foster made and Justin Fallon seconded. Roll call: Mr. Smith, yea; Mr. Foster, yea; Mr. Fallon, yea.

At 10:40 a.m, Director Glassburn requested an executive session to discuss personnel. David Smith entertained a motion to move into executive session to discuss personnel with Director Glassburn. Joe Foster made and Justin Fallon seconded the motion. Roll call: Mr. Smith, yea; Mr. Foster, yea; Mr. Fallon, yea. Returned to regular session at 10:58 a.m. No action taken in executive session.

RYAN O. ASHWORTH

Ryan Ashworth, an attorney with Offutt, Fisher and Nord, Huntington, WV met to introduce himself as a member of the Huntington located firm. He expressed that his travel time to Gallia County is less than that of other firms possibly coming from Columbus, therefore making travel time less for the County to pay if the County decides to use their services in the future for legal services. No action taken.

HOLIDAY HOURS

The Commissioner's office will be open on December 24, 2007 until noon. The Commissioner's office will be open all day on December 31, 2007.

EARLY CHILDHOOD FAMILY CENTER

Superintendent Rosalie Miller and Bartley Mullen met to discuss change orders presented to the Commission for the Early Childhood Family Center project. No action taken.

MEDICAL MUTUAL RENEWAL

At 1:14 p.m., David Smith entertained a motion to move into executive session to discuss legal contract issues. Joe Foster made and David Smith seconded a motion to move into executive session to discuss legal contract issues. Roll call: Mr. Smith, yea; Mr. Fallon, yea; Mr. Foster, yea. Returned to regular session at 1:38 p.m. Attending the session: Karen Sprague, David Smith, Joe Foster, Justin Fallon, John Saunders, Randa Long and Melinda Jeffers

No action taken in executive session.

2008 APPROPRIATION RESOLUTION

Commission discussed the draft of the County's 2008 Appropriation Resolution as presented by Karen Sprague, County Administrator. Ms. Sprague noted she was still waiting on fund balance information from some of the departments for their grant programs and she would finalize the document before the end of the day for adoption. No action taken.

GALLIA COUNTY TRANSPORTATION PLAN

Attending: Robert Gordon, Karl Runser from the Voinovich Center; Keith Romine from CAA

Bob Gordon outlined the Gallia County Coordinated Transportation Plan for the Commission and presented the plan for signature in order to meet the ODOT deadline of December 31, 2007. David Smith entertained a motion to approve the plan and make this the official transportation plan for Gallia County. Joe Foster made and Justin Fallon seconded. Roll call: Mr. Smith, yea; Mr. Fallon, yea; Mr. Foster, yea. Mr. Gordon and Mr. Runser were thanked by the Commission for all their assistance in the completion of this plan for Gallia County. The Commission also thanked Mr. Romine, Ms. Sprague and the other members of the Gallia-Jackson-Meigs Continuum of Care for all their hard work in the completion of the plan.

TRANSITIONAL HOUSING

Attending: Bob Vinson, Keith Romine, David McKenzie, Dick Moore, Dave McCoy; Keith Jeffers

Bob Vinson is a Certified Alcohol and Drug Counselor and is the owner of Spectrum Outreach Services located in Gallipolis. Mr. Vinson explained that he is writing a \$250,000 grant in an attempt to take the Children's Home and turn it into a transitional living facility. He is here to ask for support from the Commissioners and to obtain their approval to do this by helping people who want and need the help.

David Smith stated that although he is aware of the need here, he remembers the last time the Children's Home was used for transitional housing. That being said, he agreed that the County should be in full support of this project and advised the Commission would lend their support through letter of support and/or commitment for said use of the facility. Justin Fallon asked about using part of the space for an office for the Gallia County Veterans Service Office and Mr. Vinson advised that could certainly be accommodated and he looked forward to working with the County, the VSO and the Gallia-Meigs Community Action Agency on this project.

VETERANS SERVICE BOARD MEMBERS

Keith Jeffers, Dick Moore, David McKenzie and Dave McCoy, VSO members met to discuss the pay structure of the VSO board members for 2008. Since the VSO Board has been meeting more than twice a month and during some months weekly, David Smith entertained a motion to approve the request presented by the VSO Board to make the following changes to their current pay structure effective 1/1/08:

- Remove clause #2 which stated, "Allow 1 missed meeting per calendar year without loss of compensation."
 - Remove clause #3 which stated, "After missing 1 monthly meeting per calendar year, any future missed meetings will result in half payment for that month and if the Board member attends no meetings per month will result in no compensation for that month."
 - Add a clause #2 that states, "If a Veterans Service Commission Member misses 3 consecutive meetings without being excused, the Veterans Service Commission will submit a letter to the Common Pleas Judge requesting immediate dismissal of that Commission Member."
 - Clause #1 would remain in effect stating, "VSO Board members will be paid \$300 per month unless any of the current members have not begun a new term since 1/1/07 – in this case their rate would be \$225 per month until the new term begins."
 - Clause #4 would remain in effect only changing to clause #3 stating, "Effective 2/22/07 GCVSC board members will be allowed to enroll in life insurance as it is available to all other paid county employees."
- The Commissioners want the Veterans Service Organization to know that they have full confidence and trust in them as board members.

Justin Fallon made and Joe Foster seconded the motion. Roll call: Mr. Smith, yea; Mr. Foster, yea; Mr. Fallon, yea.

FINAL ANNUAL APPROPRIATION RESOLUTION FOR FISCAL YEAR 2008

Karen Sprague, Co. Administrator, presented the Commission with a Final Annual Appropriation Resolution for the county's various funds for the fiscal year beginning January 1, 2008 thru December 31, 2008, advising that the general fund appropriations are \$7,982,485.04 for the full year. This amount does not include the bond retirement payment for the Service Center that will be due 12/1/07 in the amount of \$63,154.30. The appropriations totaled as follows:

General Fund:

- Appropriations = \$7,982,485.04
- Encumbrances = \$235,246.68

Special Revenue Funds:

- Appropriations = \$20,437,947.48
- Encumbrances = \$1,114,060.09
- Balances Carried Forward = \$1,409,973.18

Grand Total All Funds

- Appropriations = \$28,420,432.52
- Encumbrances = \$1,349,306.77
- Balances Carried Forward = \$1,409,973.18

David Smith entertained a motion that the Final Annual Appropriation Resolution for the fiscal year 2008 be approved and signed by the Commission as revised. Joe Foster made and Justin Fallon seconded that motion. Upon roll call votes were as follows: David K. Smith, yea; Justin L. Fallon, yea; Howard Joe Foster, yea.

EXECUTIVE SESSION

At 3:02 p.m. Joe Foster made a motion to move into executive session to discuss legal issues. David Smith seconded the motion. Roll call: Mr. Smith, yea; Mr. Foster, yea; Mr. Fallon, yea. Returned to regular session at 3:11 p.m. No action taken in executive session. Roll call: Mr. Smith, yea; Mr. Foster, yea; Mr. Fallon, yea.

ADJOURN

At 3:39 p.m. David Smith entertained a motion for adjournment. Justin Fallon made and Joe Foster seconded the motion. Roll call: Mr. Smith, yea; Mr. Fallon, yea; Mr. Foster, yea.



David K. Smith, President



Barbara Urroe, Clerk

Justin L. Fallon, Vice-President



Howard J. Foster, Member