

**DECEMBER 18, 2014**

The Gallia County Board of Commissioners met on this date for the purpose of approving the minutes of the previous meeting and current transfers, appropriations and bills. At 9:00 a.m. the meeting was called to order by President David K. Smith. Roll Call: President David K. Smith, present; Vice President Brent Saunders, present; Commissioner Harold G. Montgomery, present.

The President entertained a motion for approval of the December 11, 2014 minutes. Harold G. Montgomery made and Brent Saunders seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Smith, yea; Mr. Saunders, yea.

**2014 Canine Shelter Weekly Report**

| Week Ending | Came in | Adopted | Reclaimed | Euthanized | Rescued | MIA | Died (Natural Causes) | Destroyed (in field) | To Foster Care | Back from Foster | Foster Care Total | Total Out | Shelter Total |
|-------------|---------|---------|-----------|------------|---------|-----|-----------------------|----------------------|----------------|------------------|-------------------|-----------|---------------|
| 12/15       | 14      | 8       | 1         | 0          | 6       | 0   | 0                     | 0                    | 1              | 1                | 401               | 15        | 26            |

**LANDFILL UPDATE**

County Administrator Karen Sprague presented the Commission with an inspection report from the Gallia County Health Department regarding the Gallia County Landfill. Noted in the report was blowing litter that is required to be controlled under Ohio Administrative Code. All other inspection categories were in compliance.

**JUVENILE COURT – ODYS GRANT FINANCIAL REPORT**

County Administrator Karen Sprague presented the Commission with Juvenile Court's ODYS grant financial report to draw the funds for the courthouse security and court recording projects. The report draws the \$10,000 grant from the grant. David Smith entertained a motion to approve and sign the financial report as requested. Brent Saunders moved and Harold Montgomery seconded the motion. Upon roll call votes were as follows: Mr. Smith, yea; Mr. Saunders, yea; Mr. Montgomery, yea.

**COST ALLOCATION PLAN**

Harold Montgomery made and Brent Saunders seconded a motion to approve and sign the certification for the County-Wide Cost Allocation Plan as prepared by Maximus Consulting Services, Inc. Upon roll call votes were as follows: Mr. Smith, yea; Mr. Saunders, yea; Mr. Montgomery, yea.

**FAA 1<sup>st</sup> QUARTER REPORT****GALLIA-MEIGS REGIONAL AIRPORT PROJECTS**

Commission President David Smith entertained a motion to approve the FAA 1<sup>st</sup> Quarter Report for October, November & December 2014 for the FAA 2014 Airport Grant. Brent Saunders moved and Harold Montgomery seconded this motion. Upon roll call votes were as follows: David Smith, yea; Brent Saunders, yea; Harold Montgomery, yea.

**FAA GRANT 2014 DRAW #5 APPROVAL****GALLIA-MEIGS REGIONAL AIRPORT PROJECT**

Commission received from Delta Airport Consultants the FAA grant 2014 draw #5 forms requesting \$4,754.00 from the County's FAA grant for Delta Airport Consultants engineering services for the Gallia-Meigs Regional Airport Grading & Drainage Project. David Smith entertained a motion to approve and sign the grant draw #5 forms for payment of engineering invoices as presented. Harold Montgomery moved and Brent Saunders seconded this motion. Upon roll call votes were as follows: David Smith, yea; Brent Saunders, yea; Harold Montgomery, yea.

**BOARD APPOINTMENT- CHILDRENS SERVICES**

Commissioners received the following correspondence:

*Honorable Commissioners,*

*The Gallia County Children Services Board wishes to inform you that the term of service on our Board for Jan Koronich expires at the end of this year. Consequently, the Children Services Board would like to recommend to the Commissioners that Mrs. Koronich be reappointed to the Board for the four year term beginning January 1, 2015. Her service to our community through our agency has been tremendous and we would like to enthusiastically advocate for his continued involvement with the Board. If you have any questions or would like to discuss this recommendation, we would be more than happy to do so at your convenience.*

*Respectfully submitted on behalf of the Gallia County Children Services Board,*

*sl Russ V. Moore*  
Executive Director

The President entertained a motion to appoint Mrs. Koronich as recommended by the Gallia County Children Services Board. Brent Saunders made and Harold G. Montgomery seconded the motion; Roll call: Mr. Montgomery, yea; Mr. Smith, yea; Mr. Saunders, yea.

**CASTO TECHNICAL SERVICES AGREEMENT**

The current agreement with Casto Technical Services expires on 12/31/2014. The current agreement price is \$5,067 per year, payable at a rate of \$1,266.75 per quarter. The 2015 renewal agreement will be \$5,219 per year, payable at a rate of \$1,304.75 per quarter. The renewal contract will start January 1, 2015 thru December 31, 2015. Harold G. Montgomery made and Brent Saunders seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Smith, yea; Mr. Saunders, yea.

**EXECUTIVE SESSION – CONTRACTS**

At 9:28 a.m. the President entertained a motion to enter into executive session with County Administrator Karen Sprague to discuss contracts. Harold G. Montgomery made and Brent Saunders seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Smith, yea; Mr. Saunders, yea. Returned to regular session at 9:50 a.m.; no action taken.

EXECUTIVE SESSION - PERSONNEL

At 10:00 a.m. the President entertained a motion to enter into executive session with JFS Director Dana Glassburn to discuss personnel issues, resignation, disciplinary action and negotiations. Brent Saunders made and Harold G. Montgomery seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Smith, yea; Mr. Saunders, yea. Returned to regular session at 10:20 a.m.; no action taken.

RIO GRANDE COMMUNITY COLLEGE LEVY

Shawn Saunders, Chair of Rio Grande Community College, stated they are considering doing a replacement levy for the Community College. There has not been one done in forty years and it would not increase the millage. She stated it is difficult to do the kind of programs they would like to do for students in Gallia, Jackson, Vinton, and Meigs counties without proper funding. She requested support, input, and advice from the Commissioners on the levy. Commissioner Smith advised he feels that next year's November election would be the best time to put on the levy. They would also need a lot of volunteers to get the word out for a successful vote. Mrs. Saunders stated they plan on having meet and greets and going door to door to even though they don't have a huge staff and they plan on calling on URG board members for support. She also noted that they are planning on redoing the lab, through grants, and the welding program and expanding them in to Vinton, Meigs, and Jackson counties.

LETTER OF SUPPORT – VETERANS SERVICE

The President entertained a motion to approve the following letter of support.

Dear Sir,

*As representatives of the residents of Gallia County, we support the needs of Ohio's veterans. Currently the Gallipolis Developmental Center (GDC) is reducing clients, which will leave the facility with available space to other entities to utilize. It is our request that the GDC facility be considered for use by Ohio's veterans. There are a number of options available for consideration, such as a veteran's home, halfway house, treatment center, or homeless veteran's center. Any of these alternatives offer the veteran population needed support, as well as providing employment opportunity for the citizens of Gallia County. The GDC facility has been used as a convalescent center for people with various types of handicaps for many years, and is already established as part of our community.*

*The possibility for use as an additional Ohio Veterans Home helps to provide the opportunity for veterans to gain early acceptance to a facility, since the Ohio Veterans Home's at Georgetown and Sandusky are fully occupied with a constant waiting list. This facility, with some repair and remodeling, is readily available and provides a great opportunity to eliminate those waiting lists and reduce the burden on Ohio families. We owe our veterans and their families for the sacrifices they made on behalf of the citizens of America. It is only through this sacrifice, that we all live the freedoms we enjoy. Please consider this request as a priority and as a needed benefit for our veterans.*

Gallia County Commissioners,

*s/ David K. Smith*

*s/ Brent Saunders*

*s/ Harold G. Montgomery*

Brent Saunders made and Harold G. Montgomery seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Smith, yea; Mr. Saunders, yea.

AT&T CONTRACT RENEWAL

911 Director Sherry Daines presented the AT&T ILEC Centrex Service pricing schedule for review. She noted the current agreement has expired, but departments will receive credits due to the expiration of the contract. The President entertained a motion to enter into the renewal agreement. Harold G. Montgomery made and Brent Saunders seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Smith, yea; Mr. Saunders, yea. Assistant 911 Director Keith Wilson and I.T. Director John Grubb were also in attendance.

EXECUTIVE SESSION - PERSONNEL

At 10:54 a.m. the President entertained a motion to enter into executive session with 911 Director Sherry Daines and Assistant 911 Director Keith Wilson to discuss a personnel issue regarding the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee. Brent Saunders made and Harold G. Montgomery seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Smith, yea; Mr. Saunders, yea. Returned to regular session at 11:00 a.m.; no action taken.

911 PERSONNEL HIRE

911 Director Sherry Daines presented the following:

*December 17, 2014*

*Gallia County Commissioners*

*David Smith*

*Brent Saunders*

*Harold Montgomery*

*Re: Full-Time Recommendation*

*Dear Sirs,*

*Due to recent staffing changes at the Gallia County 911 Center, I would like to request permission to promote one part-time employee to a full-time position.*

*After interviewing the current part-time employees who expressed interest in full-time I would make the following recommendation.*

*Brandy Reynolds was recently hired in May of 2014 and has successfully completed the necessary training to work independently in dispatch. She will be scheduled to attend the APCO forty hour basic dispatch class in the spring of 2015 and has completed LEADS training.*

*Upon your approval she will begin full-time hours on January 2, 2015 and will serve a one year probationary period.*

*Sincerely,*

**Sherry Daines**

*Sherry Daines, Director*

*Gallia County 911/EMA/LEPC*

Harold G. Montgomery made and Brent Saunders seconded the motion to promote Brandy Reynolds to a full time employee as recommended. Roll call: Mr. Montgomery, yea; Mr. Smith, yea; Mr. Saunders, yea. 911 Deputy Director Keith Wilson was also in attendance.

**EXECUTIVE SESSION - PERSONNEL**

At 11:15 a.m. the President entertained a motion to enter into executive session with JFS Director Dana Glassburn and County Administrator Karen Sprague to discuss a personnel issue regarding the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee. Harold G. Montgomery made and Brent Saunders seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Smith, yea; Mr. Saunders, yea. Returned to regular session at 11:22 a.m.; no action taken.

**RESOLUTION**

**2015 AGREEMENT FOR INDIGENT DEFENSE SERVICES  
GALLIA COUNTY CRIMINAL DEFENSE LAWYERS**

County Administrator Karen Sprague presented the Commission with an agreement for Indigent Defense Services with the Gallia County Criminal Defense Lawyers for FY 2015. It was noted that only one year agreements are allowed by the Ohio Public Defenders Office in order for state reimbursement of indigent defense counsel costs.

- o \$306,180 for FY 2015
  - Payments will be made in equal monthly installments of \$25,515 on or before the second Friday of the month during FY 2015
  - This annual amount was determined by utilizing the base rate of \$296,640 plus the County's increased reimbursement rate from the State of Ohio of \$9,540. For future years, the base rate will remain at \$296,640 plus the increased reimbursement from the State of Ohio.

Per Kathryn Smith of the Ohio Public Defenders Office the County must pass a resolution that the County Commission approves and consents to the terms of the agreement and appropriates the funds necessary as required by the agreement. The President entertained a motion that the Commission approve and consent to the terms of the 2015 agreement as presented to be effective January 1, 2015. Harold G. Montgomery made and Brent Saunders seconded the motion. Roll call votes: Mr. Montgomery, yea; Mr. Smith, yea; Mr. Saunders, yea.

**AGREEMENT**

*This Agreement is made and entered into in Gallia County, Ohio, effective as of the 1<sup>st</sup> day of January, 2015, by and between the Gallia County Public Defender Commission, Gallia County, Ohio (hereinafter referred to as Commission), and Gallia County Criminal Defense Lawyers, an Ohio non-profit corporation (hereinafter referred to as GCCDL).*

*WHEREAS, by resolution duly passed by the Gallia County Commissioners on January 18, 2007, the Gallia County Public Defender Commission was created; and*

*WHEREAS, the Commission is obligated by Section 120.14 of the Ohio Revised Code, to provide for counsel to represent indigent persons in the proceedings set forth in division (A) of Section 120.16 of the Ohio Revised Code; and*

*WHEREAS, pursuant to Section 120.14 of the Ohio Revised Code, the Commission may contract with a non-profit corporation for the provision of services in accordance with Section 120.14 and 120.44; and*

*WHEREAS, the Gallia County Commissioners passed a Resolution authorizing a contract between the Commission and GCCDL, for indigent representation from January 1, 2015 through December 31, 2015; and*

*WHEREAS, the Gallia County Commissioners have budgeted and appropriated the sum of \$306,180.00, for 2015 to fund the Gallia County Public Defenders Commission for the provision of indigent representation as set forth hereafter.*

*WHEREAS, GCCDL has the primary purpose of providing legal representation to indigent persons and is in a position to provide competent legal counsel to indigents in criminal and certain other juvenile matters; and*

*WHEREAS, the Commission desires to contract with GCCDL and GCCDL desires to undertake the statutory obligations of the County Public Defender.*

*NOW THEREFORE, in consideration of the mutual promises of the parties set forth herein, the parties agree that:*

1. *The term of this Agreement shall be from January 1, 2015 to December 31, 2015.*
2. *GCCDL shall provide to the Gallia County Common Pleas Court, General Division, Domestic Division and Juvenile Division, and Gallipolis Municipal Court, with indigent representation in all criminal cases, contempt proceedings arising from failure to pay child support and other required Juvenile Court matters as provided for by Ohio Revised Code 2151.352 referred to it by the Courts, excluding homicides with death penalty specifications. GCCDL through its assignment of counsel agrees to independently contract with attorneys in order to avoid or resolve conflict issues. In the event that no member counsel for GCCDL is available due to irresolvable conflict of interest, then independent counsel shall be assigned directly by the Court and the cost shall then be the obligation of GCCDL, and not be an additional cost to the county. Should such a conflict exist and the appropriate Court need to appoint outside counsel, said counsel shall submit a court appointed fee request to the Court which upon approval shall be presented to the GCCDL for payment.*
  - a. *GCCDL nor any attorneys duly appointed or assigned shall be obligated to pursue any appeal which GCCDL or the attorney determines lacks merit or for any other reasons within professional, ethical judgment should not be pursued.*
3. *In all cases arising within the jurisdiction of Gallia County, Ohio, GCCDL shall provide attorneys to act as counsel of record for indigents at arrest, at formal charging, or at indictment provided such indigents qualify for representation under the guidelines established by the Ohio Public Defender in Rule 120-1-3 of the Ohio Administrative Code, which is incorporated herein by reference.*
4. *Upon request for indigent representation in appropriate cases, the Court shall refer the individual to GCCDL. GCCDL shall require the requesting individual to complete a financial Disclosure/Affidavit of Indigency and/or other forms as shall be required by the Ohio State Public Defender to insure reimbursement by the State of Ohio, and shall determine indigency of such individuals, subject to review by the Court, in the same manner as provided in Section 120.05 of the Ohio Revised Code. Within ten days from receipt of said referral, GCCDL shall report back to the Court on its finding of indigency and if so found, provide the Court with the entry of appearance of counsel.*

CASTO & HARRIS, INC. -- RE-ORDER NO. 11596-13

5. In connection with the performance of work under this Agreement, the GCCDL agrees not to discriminate against any employee, independent contractor, or applicant for employment because of race, color, religion, sex, handicap, or national origin. GCCDL shall take affirmative action to ensure applicants are employed, and those employees are treated during employment without regard to their race, color, religion, sex, handicap, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising; lay-off or termination, rates of pay or other forms of compensation; and selection for training, including apprentice.
6. GCCDL has the responsibility to complete any and all cases once representation has commenced under the terms of this Agreement. Representation commenced in the trial court shall be continued through all trial court proceedings. This provision does not prohibit GCCDL from withdrawing from a case due to an irresolvable conflict of interest recognized by the Court, or from withdrawing due to a finding of the client's financial ineligibility for services. It is anticipated that a conflict of interest for an individual attorney providing services hereunder does not necessarily mean that GCCDL cannot continue to provide representation through another attorney. The substitution of a different attorney to a case shall not be considered a new referral or appointment for the purpose of identifying the number of cases referred. In the event that a conflict does exist which prevents representation by GCCDL, the Court shall assign a private attorney to represent the indigent client and the GCCDL shall pay this private attorney from the proceeds of this contract with the County.
7. GCCDL will utilize the service of attorneys as independent contractors. Attorneys will devote the time necessary to provide effective representation to the indigent clients.
8. GCCDL shall employ or independently contract for support staff and non-attorney personnel as needed to complete the obligations of this contract. Special needs for investigators, social workers, mental health professionals, and other forensic experts necessary to provide competent representation shall be brought to the attention of the Court for authorization of procuring the services at county cost. Compensation for employees, subcontractors and retained experts shall be at rates commensurate with their training, experience and at a rate similar to other public agencies within Gallia County.
9. GCCDL may request payment in addition to that under this agreement for cases that require an extraordinary amount of time and preparation. The request for such consideration must be approved in advance by the Judge assigned to such case.
10. GCCDL shall retain financial records, submit financial reports and submit to an annual financial audit. A report of these findings shall be provided to the Commission and shall also be forwarded to the Ohio Public Defender Commission as part of the annual report submitted pursuant to Sections 120.14 and 120.24 of the Ohio Revised Code.
11. GCCDL shall provide indigent representation to all clients in a professional, skilled manner consistent with Chapter 120 of the Ohio Revised Code, the Rules of the Ohio Public Defender Commission, the Ohio Public Defender Standards, the canons of ethics for attorneys in Ohio, and case law and applicable court rules defining the duties of counsel and rights of parties.
12. GCCDL shall require all attorneys participating as independent contractors to provide proof of malpractice insurance in minimal amounts of \$100,000 per claim, and \$300,000 in the aggregate.
13. GCCDL shall maintain a case reporting system, and upon request shall be available to the appropriate courts of Gallia County, the Board of Commissioners of Gallia County, and the Public Defender Commission of Gallia County. However, no information shall be required to be released that may be deemed to breach the attorney-client privilege. GCCDL shall report the caseload data to the State Public Defender, the Gallia County Public Defender Commission, and appropriate Gallia County officials on a monthly basis, or as shall be required by the State Public Defender. Payment will not be issued unless the proper reporting is submitted to Gallia County.
  - a. GCCDL shall track and report to the Gallia County Auditor's Office monthly and to the Gallia County Commissioners Office annually the number of cases for which it provides legal representation to indigent adults and juveniles charged with a violation of an ordinance of the municipal corporation of Gallipolis for which the penalty or possible adjudication includes the potential loss of liberty. This report shall include the case number and the dollar amount charged by the attorney. Payment will not be issued unless the report is submitted to Gallia County.
14. Gallia County shall pay to GCCDL:
  - a. For services provided hereunder, except as otherwise provided in this section, as follows:
    - i. For FY 2015 the sum of THREE HUNDRED SIX THOUSAND ONE HUNDRED EIGHTY DOLLARS (\$306,180.00), to be paid in equal monthly installments of \$25,515.00 on or before the second Friday of the month during FY 2015. Said sums shall be appropriated by the Board of County Commissioners and be available to meet the requirements under this agreement.
15. The Gallia County Commissioners shall retain all reimbursements for funds received for indigent attorney fees.
16. This contract shall be effective from January 1, 2015, through December 31, 2015. Either party may terminate this contract upon giving thirty (30) days written notice to the other party. Should this contract be terminated, the County shall remain obligated to provide indigent representation in a manner provided by law.
17. Should the GCCDL have insufficient attorneys to meet the obligations set forth herein, additional attorneys shall be required by the GCCDL to provide adequate and competent representation. The Judges of the various courts served by the GCCDL by a majority vote shall determine, after discussion with GCCDL, when there exists insufficient attorneys to service the Courts.
18. GCCDL shall submit any and all forms necessary to insure reimbursement for the county, in accordance with the requirements of the Office of the Ohio Public Defender. This shall be done on a monthly basis. Failure to submit the necessary forms in a timely manner could result in payments being held under this contract.

GALLIA COUNTY CRIMINAL DEFENSE LAWYERS

Date: \_\_\_\_\_  
By: \_\_\_\_\_  
President

APPROVED:  
OHIO STATE PUBLIC DEFENDER COMMISSION

Date: \_\_\_\_\_  
By: \_\_\_\_\_

GALLIA COUNTY PUBLIC DEFENDER COMMISSION

Date: \_\_\_\_\_  
By: \_\_\_\_\_  
Chairman

BOARD OF COMMISSIONERS OF GALLIA COUNTY, OHIO

Date: \_\_\_\_\_  
By: \_\_\_\_\_  
David K. Smith, President

APPROVED AS TO FORM:

Date: \_\_\_\_\_

By: \_\_\_\_\_  
C. Jeffrey Adkins, Gallia County  
Prosecuting Attorney

By: \_\_\_\_\_

Brent Saunders, Vice President

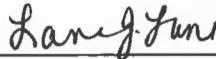
By: \_\_\_\_\_  
Harold G. Montgomery

**ADJOURN**

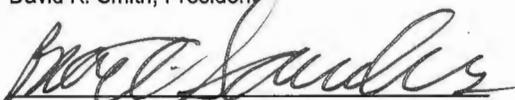
At 3:00 p.m. the President entertained a motion for adjournment. Brent Saunders moved and Harold Montgomery seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Smith, yea; Mr. Saunders, yea.



David K. Smith, President



Lana J. Lane, Clerk



Brent Saunders, Vice President



Harold G. Montgomery, Commissioner