

February 23, 2015

Agenda

Pledge of Allegiance

1:15 State Auditors Pre-Audit Conference

Approve Minutes

Before/after Expenditures

Transfer of Funds (2)

Support ODSA Appalachian Assistance Line Item

Engagement Letter – Albers & Albers – Specialized Legal Representation

Pay Bills

Other Business

Adjourn

THE BOARD OF COMMISSIONERS OF TUSCARAWAS COUNTY MET IN REGULAR SESSION, MONDAY, THE 23RD DAY OF FEBRUARY, WITH THE FOLLOWING MEMBERS PRESENT:

Belle Everett
Kerry Metzger
Chris Abbuhl

Commissioner Everett presiding.

*The Lord's Prayer was said.
The Pledge of Allegiance was said.*

RESOLUTION (185-2015) APPROVE MINUTES

It was moved by Commissioner Abbuhl, seconded by Commissioner Metzger, to approve the minutes of the previous meeting with the notation that the Board was called out of Executive Session, not recess.

VOTE: Belle Everett, yes;
Kerry Metzger, yes;
Chris Abbuhl, yes;

RESOLUTION (186-2015) BEFORE/AFTER EXPENDITURES

It was moved by Commissioner Metzger, seconded by Commissioner Abbuhl, to approve the following before/after expenditures:

Rose Products (Dog & Kennel)	499.97
Ohio Regional Development Corp (OCED)	200.00
“ “	400.00
Tusc. Co. Sheriff's Reserves (Community Corrections)	484.50
Tusc. Co. JFS (Veterans)	93.76
Tusc. Co. Chamber of Commerce (Commissioners)	504.00
OMEGA (Commissioners)	8558.00
CCAO (Commissioners)	7496.00
Atty. William Lang (Insurance Trust)	7052.50
Times Reporter (Commissioners)	241.45
“ “	130.15
Times Reporter (Road & Bridge Advertising)	84.00
Patrick Maculitis (Community Corrections)	450.00
Ohio Recorder's Association (Recorder)	2008.12

VOTE: Belle Everett, yes;
Kerry Metzger, yes;
Chris Abbuhl, yes;

RESOLUTION (187-2015) TRANSFER OF FUNDS

It was moved by Commissioner Metzger, seconded by Commissioner Abbuhl, to approve the following transfer of funds:

DEPARTMENT	FROM	TO	AMOUNT	REASON
EMA	A006-F08	A006-F05	\$165.00	Advertising/Printing
OCED	T005-T10	T005-T08	\$0.97	2012 CDBG

VOTE: Belle Everett, yes;
Kerry Metzger, yes;
Chris Abbuhl, yes;

RESOLUTION (188-2015) Support ODSA Appalachian Assistance Line Item

It was moved by Commissioner Abbuhl, seconded by Commissioner Metzger, to approve the following:

Resolution of Support for the Ohio Development Services Agency (ODSA) Appalachian Assistance Line Item

WHEREAS, Tuscarawas County is served by the Ohio Mid-Eastern Governments Association (OMEGA) (including the counties of Belmont, Carroll, Columbiana, Coshocton, Guernsey, Harrison, Holmes, Jefferson, Muskingum and Tuscarawas) as its Local Development District (LDD) for the Appalachian Regional Commission (ARC);

WHEREAS, the ARC is a model for federal economic and community development programs and has assisted the OMEGA region to improve the social and economic climate and improve critical infrastructure;

WHEREAS, the Ohio Development Services Agency (ODSA) Appalachian Assistance funding provides much needed economic development project funding in the region, improves the social and economic climate of local communities, and improves critical infrastructure;

WHEREAS, the ARC and ODSA Appalachian Assistance funding provide funding for business development, education and job training, telecommunications, infrastructure, community development, housing, and transportation projects creating new jobs; improvements to local water and sewer systems; increasing workforce readiness; expanding access to health care; assisting local communities with strategic planning; and providing technical and managerial assistance to emerging businesses;

WHEREAS, in 2014, Ohio's LDDs administered 63 ARC and ODSA Appalachian Assistance funded projects totaling over \$72,140,914 in total project costs and resulting in 750 new jobs and another 2,025 jobs retained in the region with funding provided by the ODSA Appalachian Assistance funding and the federal ARC;

WHEREAS, governance of the Governor's Office of Appalachia is addressed in Ohio Revised Code Section 107.21;

WHEREAS, the LDDs have developed a comprehensive and competitive process for the selection and recommendation for projects to receive funding through ODSA and ARC and that this locally initiated process should continue; and

WHEREAS, we support full restoration of funding for the Community Facilities program and encourage administration by the LDDs to continue meeting the community needs of the Appalachian Region.

NOW THEREFORE BE IT RESOLVED: that the **Board of Commissioners of Tuscarawas County** supports continued funding of the ODSA Appalachian Assistance line item with the following statement explicitly included:

Funding allocated to the Buckeye-Hills Hocking Valley Regional Development District, Ohio Mid-Eastern Governments Association, and Ohio Valley Regional Development Commission be no less than \$135,000 and funding allocated to Eastgate Regional Council of Governments be no less than \$35,000.

VOTE: Belle Everett, yes;
Kerry Metzger, yes;
Chris Abbuhl, yes;

Discussion: Commissioner Abbuhl discussed the importance of the ARC funding that comes from the Federal Government thru the State of Ohio. Last year, the State of Ohio made sure there was funding for the Local Development Districts (LDD). These funds are used to fill the gaps for projects like water, sewer, road or anything that deals with economic development or job creation. This is vital not only for Tuscarawas County but for the other counties served by the LDD. It is important to have a specific line item in the budget so the funding for these types of project is secured. He will be going to Washington DC to impress upon the legislatures to continue to fund ARC dollars for LDD program as this has proven to be a very effective tool for gap funding to complete projects that we would not be able to do otherwise.

Discussion: Commissioner Everett discussed the request from Michael Jones (Sanitary Engineer TCMSD) requesting approval of a letter of engagement for specialized legal representation by Albers & Albers Attorneys-at-Law.

RESOLUTION (189-2015) ENGAGEMENT OF LEGAL SERVICES – Albers & Albers

It was moved by Commissioner Abbuhl, seconded by Commissioner Metzger, to approve the Letter of Engagement with Albers and Albers, Attorneys at Law for specialized legal representation:

JAMES B. ALBERS
JAMES S. ALBERS
JOHN B. ALBERS II
ERIC J. LUCKAGE
ANITA T. DORAN



HERBERT F. ALBERS
(1896-1960)

Of Counsel:
SEAN A. McCARTER

January 26, 2015

Tuscarawas County Commissioners
c/o Mike Jones, P.E. Director/Sanitary Engineer
9944 Wilkshire Blvd. NE
Bolivar, OH 44612

In Re: Engagement of Legal Services, Albers and Albers, Attorneys at Law

Dear Mr. Jones,

Albers and Albers appreciates the opportunity to provide legal services to Tuscarawas County (the "County"), as Special Counsel in connection with issues related to a dispute with the City of Dover related to service charges, service territory, and facilities stemming from an agreement between the Tuscarawas County Metropolitan Sewer District and the City of Dover dated March 20, 1989. More specifically, Albers and Albers will review documentation provided by the client and provide a legal opinion regarding the issues in dispute, the proposed settlement agreement, and the applicability of 7 USC 1926(b) protection with relation to certain customer(s) of the County (the "Matter"). We understand that Mike Jones will be our primary contact to discuss issues related to the Matter. Where appropriate, we will directly correspond with the County Commissioners or other individuals, as directed.

Our services are intended to be rendered only to the County and only for the benefit of the County. Accordingly, no other person or entity will be entitled to rely upon or otherwise benefit from our services.

We write to confirm the terms of our retention as counsel because our experience has shown that the attorney-client relationship works best when there is an early mutual understanding about matters such as the firm's billing policies, charges and payment terms. The information below describes policies that will apply to the work we will be doing for the County.

Legal Fees

Albers and Albers primarily uses hourly rates on which to base its fees. We attempt to accomplish our work on an efficient basis, using people with a lower billing rate when practicable under the supervision of the lawyer(s) in charge of the project. Our billing rate is \$200.00 per hour for the Matter. We expect that the significant majority of the work on this matter will be performed by John Albers and Eric J. Luckage and Sean McCarter. Albers and Albers estimates the cost to provide such services at \$2,000 to \$4,000. Albers and Albers will not exceed the sum of \$4,000 without further authorization from client.

On an annual basis, we review our hourly rate schedule to see if it remains appropriate for each of the people providing services. This does not mean that rates will increase each year, but if our work for the County, on this matter or any other, continues from year to year, changes in individual hourly rates may occur and may affect our billings to the County. You would be notified prior to any changes.

Costs and Disbursements

Unlike other firms, we absorb many routine costs of support systems into our hourly fee. Therefore, certain costs such as long distance telephone charges, copying charges, mileage, automation support required by the engagement and computer research services incurred on the County's behalf will NOT be billed to the County as expenses. However, out-of-pocket payments, such as overnight shipping, filing fees, court reporter services, court costs, subpoena costs, witness fees, expert fees, investigation and the like, while payable to others, are to be paid by the County and will be billed to the County with the charges for legal services. In addition, advancements payable to others will be sent directly to the County for payment or, if advanced by the firm, billed directly to the County either separately or with our statement for legal services.

Billing

Our policy is that statements for services and reimbursement for expenses and disbursements advanced by the firm should be rendered on a monthly basis. Such statements are prepared at the end of each month and mailed to you early the following month unless you wish them to be send via facsimile or email. The statements are due and payable upon receipt, unless other arrangements have been made with the firm in advance.

Conflict Waiver

Attorneys owe a duty of undivided loyalty to each of their clients, which prevents the concurrent representation of two clients whose interests are adverse. However, the clients may consent to such representation provided they are first informed of the circumstances that create a conflict of interest for the lawyer and then agree to waive the conflict presented.

Albers and Albers is unaware of any potential conflict of interest which may exist with respect to providing the legal services contemplated herein.

Conclusion

If the foregoing terms of retention are acceptable to the County, please sign the enclosed copy of this letter and return it to me. Notwithstanding the County's agreement, any time you have any questions about our billing policies or procedures or about a specific statement, you should contact us and we will respond promptly to your question.

The terms of our retention will be governed by the laws of the State of Ohio.

We look forward to working with you.

Very truly yours,



John B. Albers

Acceptance

**Authorized Representative of
Tuscarawas County**

By: Belle Everett

Title: PRESIDENT, TUSCARAWAS COUNTY COMMISSIONERS

Date: 2/23/2015

VOTE:

Belle Everett, yes;
Kerry Metzger, yes;
Chris Abbuhl, yes;

RESOLUTION (190-2015)**PAY BILLS**

It was moved by Commissioner Metzger, seconded by Commissioner Abbuhl, to approve for payment the following bills:

Commissioners

Kayline	Supplies	256.88
Union Hospital	TB Testing	114.84
Tuscora Electric	Supplies	213.15
Liberty Distributors	Supplies	330.72
Frontier Communications	Annual Maintenance/Phone System	12,514.80

Dog Pound

Sifferlin Animal Clinic	Medical Care	46.00
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Community & Economic Development

Frontier Communications	Fax Line	48.66
Tusc Co OCED	Fair Housing Services/B-C-14-1CT-1	1,000.00
Tusc Co OCED	Fair Housing Services/B-F-14-1CT-1	4,162.25

Veterans

Treasurer Tusc Co	Fuel	33.27
Xerox	Copier Payment	271.27
VISA	January Bill	101.13
WJER Radio	Radiogram	1,150.00
Pitney Bowes Global Financial	Lease	540.00

Law Library

Thomson Reuters West	Books on Subscription	1,613.00
Tusc Co Clerk of Courts	Notary Fees	189.00
Consortium of County Law Library	Annual Fee	1,835.46
Piper Software Inc	Support Works Software	45.99
Thomson Reuters West	Government Select	3,010.56
Thomson Reuters West	Patron Access	850.00

Emergency Management

Pitney Bowes Global Financial	Postage Meter Lease	79.50
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Sheriff

Alarm Masters	Repairs	591.00
Scott's Auto	Cruiser Tow	65.00
Union Hospital	Pre-Employment Drug Screening	20.75
Poly Tech Associates	Pre-Employment Polygraph	260.00
American Electric Power	Electric	10,124.35
Staley Technologies	Repairs	68.40

911

Language Line Services	Interpreter	30.30
American Electric Power	Tower Electric	234.14

Recorder

Staples	Supplies	21.27
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Juvenile/Probate

Courtview	Service Fee	2,450.00
Vista SG	Contract Services	3,562.50

Southern Court

Atty Michael Cochran	Acting Judges Fees	150.00
Barrett Brothers	Legal Forms	67.00
Twin City Water & Sewer	Service	60.10
Dominion East Ohio Gas	Service	44.56
Dominion East Ohio Gas	Service	37.44
American Electric Power	Electric	307.60
American Electric Power	Electric	266.49
Thomson West	Legal Books	216.00
AT & T	Service	163.51

Common Pleas

Abacus Data Systems	Technology Transfer Agreement Renewal	4,882.16
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Water & Sewer

Village of Tuscarawas	Emergency Pump Replacement	4,544.31
Glacial Energy	Utility Connection Charges	1,991.04
Frontier	Service	69.70
American Electric Power	Electric	92.98
Frontier	Service	49.74
Frontier	Service	42.29
Twin City Water & Sewer	Midvale/Barnhill Sewer Charges	9,174.42
Operator Training Committee of OH	Safety Training	165.00
Summers Rubber	Materials	77.82
Dollar Bank Leasing	Copier Lease	129.00
Reidl's	Vehicle Repairs	131.13
Charles Rewinding	Repairs	354.76
Tusc Co Commissioners	Crane Truck Payment	1,219.50
Frontier	Service	35.92
Frontier	Service	69.70

Community Corrections

Treasurer Tusc Co	Audit Fees	359.57
OSACC	Registration	50.00
Fairfield Information Services	Electronic Monitoring Services	169.00

Job & Family Services

Shred It	Shredding Services	184.50
David Haverfield	Travel & Training	100.92
Timothy Haswell	Travel & Training	54.28
Joseph Krockner	Travel & Training	96.60
Public Children's Services Association	Training	120.00
Stacia Stevens	Travel & Training	76.30
Tusc Co Sheriff's Office	Gas	237.43
Speedway Superamerica	Transportation	360.37
Society for Equal Access	Transportation	54,084.43
UPS	Shipping	12.94
Monica Benavides	Interpreter	380.00
Sandy Burrier	Travel & Training	96.52
Building Blocks Childcare Center	Prevention Grant	168.00
Walmart Community	Prevention Grant	106.83
Stephen & Stephanie Grant	AA	341.44
Walmart Community	FP Training Supplies	515.91
Kyler Pringle Lundholm Durman	Non-Recurring Adoption Expense	679.00
Northeast Ohio Adoption Services	Adoption Incentive	14,000.00
John Reed	Mattress	360.00
First Step FVIS Inc	Group Attendance	275.00
Connection Rentals	Rent	2,350.00
Seth & Kathy Morrison	FP Training Stipend	60.00
Dennis & Jeanne Hostetler	FP Training Stipend	60.00
Rebuen & Amber Miller	FP Training Stipend	720.00
Office Max	Supplies	44.36
Staples Credit Plan	Supplies	114.98
Business Card	Web Hosting & Web Backup	78.14
Ziegler Tire	Car Maintenance	38.26
Graphic Enterprises	Copier Contract	59.90
Tusc Co Commissioners	Rent & Utilities	6,263.50
Verizon Wireless	Cell Phone Bill	698.90
Frontier	Service	112.12

Engineer

National Lime & Stone	Material Bid	159.63
R & S Builders of Ohio	Vehicle Storage Building w/Washbay	77,900.00
Snyder Brothers Sales & Service	Repairs/Parts	1,901.41
Jim's Towing Service	Towing	300.00
Independence Business Supply	Supplies	61.48
OMCTC	Drug Screens & Physicals	162.00
JW Cookson	Repairs/Parts	542.92
Tusc Co Water & Sewer Dept	Water & Sewer	39.82
Galicks	Bridge & Culvert Supplies	151.28

Pleasant Valley Ready Mix	Concrete per bid	2,150.75
Cargill Inc	Salt per bid	15,578.53

VOTE: Belle Everett, yes;
Kerry Metzger, yes;
Chris Abbuhl, yes;

OTHER BUSINESS:

Commissioner Abbuhl wanted to offer his condolences to the family of Dale Hileman who passed away. Dale was an exceptional, fair and genuine person with 25 years of dedicated service as the Director of the Eastern Ohio Development Alliance (EODA). Dale has done a tremendous job promoting economic development within our region and always looked out for the best interest of the 16 counties he served. He will be sadly missed. Commissioner Abbuhl extended his thoughts and prayers to Dale’s family during this time of sorrow. Commissioner Everett has never known EODA without Dale. He was a good advocate that was very responsible. Commissioner Metzger agreed.

RESOLUTION (191-2015) EXECUTIVE SESSION – STATE AUDITOR

It was moved by Commissioner Abbuhl, seconded by Commissioner Metzger, to go into an Executive Session with Becky Chesla, State Auditor for the purpose of the Pre-Audit Conference.

TIME: 1:17 p.m.

VOTE & ATTENDANCE:

Belle Everett, yes;
Kerry Metzger, yes;
Chris Abbuhl, yes;

Commissioner Everett called the meeting out of Executive Session and back into Regular Session at 1:40 p.m.

NO FURTHER BUSINESS COMING BEFORE THE BOARD.

RESOLUTION (192-2015) ADJOURN

It was moved by Commissioner Abbuhl, seconded by Commissioner Metzger, to adjourn at 1:40 p.m. to meet in Regular Session, Thursday, the 26th day of February, 2015.

VOTE: Belle Everett, yes;
Kerry Metzger, yes;
Chris Abbuhl, yes;

We hereby certify the above and foregoing to be a true and correct account of the proceedings as had by and before us on the day and year first written above.

Belle Everett

Kerry Metzger

Chris Abbuhl

Attest: Jane E. Clay
Clerk of the Board