

IN THE MATTER OF APPROVING AND THE EXECUTION OF THE GOVERNANCE AGREEMENT FOR THE WEST CENTRAL JUVENILE REHABILITATION CENTER.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 1st day of December, 2020.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, this West Central Juvenile Rehabilitation Center Governance Agreement (“Governance Agreement”) is entered into by and between the boards of county commissioners of Auglaize County, Darke County, Mercer County, Miami County, Preble County and Shelby County (collectively, the “Counties”) on the latest date of execution of this Governance Agreement by a board of county commissioners of the participating Counties; and,

WHEREAS, Chapter 2151 of the Ohio Revised Code empowers a board of county commissioners, upon the advice and recommendation of the juvenile judge of said county, to provide for the purchase, lease, construction, or other provision of a facility or facilities where delinquent children, dependent children, unruly children, or neglected children or juvenile traffic offenders may be held for training, treatment and rehabilitation; and,

WHEREAS, the Counties currently participate in the oversight and operation of such a facility known as the West Central Juvenile Rehabilitation Center (“WCJRC”) which is located at 2044 North County Road 25A, Troy, Miami County, Ohio 45373; and,

WHEREAS, the Counties wish to formalize their ongoing relationship in this regard and to provide for the continuing orderly operation for the WCJRC; and,

WHEREAS, Section 307.15 of the Ohio Revised Code authorizes the board of county commissioners of two or more counties to enter into a contract pursuant to which one county undertakes and is authorized by another to exercise any power, to perform any function, or to render any service on behalf of the contract county or its board of county commissioners that the said county and its board of county commissioners may exercise, perform, or render; and,

WHEREAS, the WCJRC shall be operated under the direction and supervision of Miami County Juvenile Court with the advice and recommendation of an Advisory Board as provided for in the Governance Agreement; and,

WHEREAS the WCJRC shall be located in a building titled to, and equipped, by the Board of Miami County Commissioners; and,

WHEREAS, the director, staff and other employees of the WCJRC shall be appointed by the Miami County Juvenile Court and who shall each serve at the pleasure of the Miami County Juvenile Court; and,

WHEREAS, all legal, fiscal and other indirect services shall be provided by Miami County, Ohio.

THEREFORE, BE IT RESOLVED, that the Board of Commissioners, Auglaize County, Ohio does hereby approve and authorizes the execution of the governance agreement for West Central Juvenile Detention Center; and,

BE IT FURTHER RESOLVED that said governance agreement will be part of this resolution.

Commissioner Speiser seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
1st day of
December, 2020

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes
John N. Bergman

Douglas A. Spenser, yes
Douglas A. Spenser

Don Regula, yes
Don Regula

cc: Juvenile Court Judge Mark Spees

WEST CENTRAL JUVENILE REHABILITATION CENTER
GOVERNANCE AGREEMENT

This West Central Juvenile Rehabilitation Center Governance Agreement ("Governance Agreement") is entered into by and between the boards of county commissioners of Auglaize County, Darke County, Mercer County Miami County, Preble County and Shelby County (collectively, the "Counties") on the latest date of execution of this Governance Agreement by a board of county commissioners of the participating Counties, and

WHEREAS, Chapter 2151 of the Ohio Revised Code empowers a board of county commissioners, upon the advice and recommendation of the juvenile judge of said county, to provide for the purchase, lease, construction, or other provision of a facility or facilities where delinquent children, dependent children, unruly children, or neglected children or juvenile traffic offenders may be held for training, treatment, and rehabilitation; and

WHEREAS, the Counties currently participate in the oversight and operation of such a facility known as the West Central Juvenile Rehabilitation Center ("WCJRC") which is located at 2044 North County Road 25A, Troy, Miami County, Ohio 45373; and

WHEREAS, the Counties wish to formalize their ongoing relationship in this regard and to provide for the continuing orderly operation of the WCJRC; and

WHEREAS, Section 307.15 of the Ohio Revised Code authorizes the board of county commissioners of two or more counties to enter into a contract pursuant to which one county undertakes and is authorized by another to exercise any power, to perform any function, or to render any service on behalf of the contract county or its board of county commissioners that the said county and its board of county commissioners may exercise, perform, or render; and

WHEREAS, the WCJRC shall be operated under the direction and supervision of the Miami County Juvenile Court with the advice and recommendation of an Advisory Board as provided for herein; and

WHEREAS the WCJRC shall be located in a building titled to, and equipped by, the Board of Miami County Commissioners; and

WHEREAS, the director, staff and other employees of the WCJRC shall each be appointed by the Miami County Juvenile Court and who shall each serve at the pleasure of the Miami County Juvenile Court; and

WHEREAS, all legal, fiscal and other indirect services shall be provided by Miami County, Ohio; and

WHEREAS, it is the desire and intention of the Counties to operate the WCJRC in a manner generally consistent with the method of operation and activity set forth herein; and

WHEREAS, it is the recommendation of the juvenile court judge of each of the Counties that their respective boards of county commissioners enter into this Governance Agreement.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and as authorized and permitted pursuant to Chapter 2151 and Section 307.15 of the Ohio Revised Code, the parties hereto contract and agree that:

1. Name. The entity created hereunder and which shall be operated and governed by the terms and conditions of this Governance Agreement shall be the West Central Juvenile Rehabilitation Center ("WCJRC").
2. Purpose. The purpose of this Governance Agreement and of the West Central Juvenile Rehabilitation Advisory Board (the "Advisory Board") hereby created shall be to provide for the use of the Counties and other users as determined by the Advisory Board in accordance with law, a facility or facilities where delinquent children may be held for training, treatment, and rehabilitation.
3. Authorization. The entry of the Counties into this Governance Agreement as well as the creation and operation of the WCJRC is authorized and permitted by R.C. Chapter 2151 and R.C. sections 307.15 through 307.18.
4. WCJRC Governance and Operation. The WCJRC shall be administered by, and under the control of, the Miami County Juvenile Court with the advice of the Advisory Board created herein. The Miami County Juvenile Court is under no obligation to accept and/or comply with any vote and/or resolution of the Advisory Board on any matter, including, without limitation, any matter or subject contained in paragraphs (C) through (K) below.
 - (A) An Advisory Board consisting of one juvenile court judge from each of the Counties participating in this Governance Agreement is hereby established. The Advisory Board will meet a minimum of once per quarter and provide the Ohio Department of Youth Services ("ODYS") with the scheduled meeting dates and copies of all minutes from its meetings. Each juvenile judge may appoint a temporary replacement to serve as his or her representative at a scheduled Advisory Board meeting. The juvenile judges shall perform their duties on the Advisory Board in their official capacity.
 - (B) The Advisory Board shall have a President, Vice President, Secretary and such other officers as the Advisory Board may establish. The President shall be the presiding officer of the Advisory Board and the position of President shall be permanently held by the Miami County Juvenile Court Judge. The President shall be the presiding officer of every standing and/or temporary sub-committee established either by this Governance Agreement, the By-Laws and/or by the Advisory Board itself.

(C) The Advisory Board shall establish By-Laws which shall be reviewed and approved annually. Said By-Laws shall be consistent with the provisions of this Governance Agreement and shall set forth the Officers and terms of office of the Advisory Board; Voting and quorum requirements of the Advisory Board; establish standing sub-committees to include a legal, finance, programming and personnel boards; and such other matters as deemed appropriate by the Advisory Board.

(D) The Miami County Juvenile Court Judge, in its sole discretion, shall appoint, discipline, terminate and fix the compensation and duties of the WCJRC Director and all other program, professional, technical, and clerical employees necessary to properly maintain and operate the WCJRC facility and program.

Pursuant to R.C. section 2151.13 the WCJRC Director and all other WCJRC employees shall serve at the pleasure of the Miami County Juvenile Court Judge, and as such are "unclassified" and "at will" employees of the Miami County Juvenile Court.

Under the supervision of the Miami County Juvenile Court Judge and in accordance with pertinent provisions of the Ohio Revised Code, the Ohio Administrative Code and other pertinent law and regulation as well as the terms of the ODYS grant agreement with WCJRC and/or the Miami County Juvenile Court, the WCJRC Director shall control, manage, operate and have general charge of WCJRC property, files and records, and shall permit ODYS admittance and/or access to the WCJRC to perform inspections of such property, files and records.

(E) The Advisory Board shall review, and by vote advise the Miami County Court Judge regarding policies and procedures to be set forth in a policies and procedures manual for the WCJRC.

(F) The Advisory Board shall review and by vote advise the Miami County Court Judge regarding the criteria used to admit youth to the WCJRC.

(G) The Advisory Board shall decide appeals of Counties as to "refusal to admit" a youth to the WCJRC. Said appeals will be decided by a majority vote of the Advisory Board members present at a scheduled meeting, assuming that a quorum of Advisory Board members is present.

(H) The Advisory Board shall review and by vote advise the Miami County Court Judge regarding the operating budget of the WCJRC, and of any application to ODYS for funding.

(I) The Advisory Board shall review and by vote advise the Miami County Court Judge regarding applications for grant funds.

(J) The Advisory Board shall by vote advise the Miami County Court Judge regarding matters related to maintaining compliance with pertinent provisions of the Ohio Revised Code, the Ohio Administrative Code, and other pertinent laws and regulations.

(K) The Board shall by vote advise the Miami County Court Judge regarding the establishment of a review process to evaluate the effectiveness of the WCJRC in meeting its goals and objectives.

5. Contracts and Gifts. To the extent that it is empowered to do so by law the Advisory Board may authorize any officer or agent of the Advisory Board to enter into any contract or to execute and to deliver any instrument in the name of or on behalf of the Board. The authority so afforded may be general in nature to the extent that the subject and limitations thereof are articulated with sufficient clarity, or be confined to specific instances. As may be necessary to effect the operations of the Center, the Advisory Board may recommend that the Board of Miami County Commissioners enter into any contract; execute and deliver any instrument in the name or in behalf of the WCJRC, or accept any donation, gift, bequest, or devise for the benefit and use of the WCJRC.

6. Funding. The full cost of funding the operations of the WCJRC is provided by grant money received from an ODYS grant by the Miami County Juvenile Court and/or the WCJRC Advisory Board, school tuition payments, National School Lunch receipts, and other grants. It is anticipated by the Counties that this funding condition and arrangement will continue. The WCJRC and the Advisory Board will make every reasonable effort to ensure that the operations of the WCJRC are fully funded in said manner. If there is a failure in funding, the WCJRC may be forced to cease its operation if the Counties are not able to secure other funding for the WCJRC.

7. Effective Period, Withdrawal, and Termination. The Governance Agreement shall commence on the __ day of _____ 2020 and terminate on the __ day of _____ 2021, and shall continue in full force and effect for successive annual periods as to the participating Counties. Each of the Counties may terminate its continued participation in this Governance Agreement and its obligations and responsibilities hereunder by providing 90 day notice to each of the other participating Counties of its intent to withdraw from this Governance Agreement, which notice shall be delivered in written form to the boards of county commissioners of each of the other participating Counties and to the President of the Board.

8. Property. The real estate upon which the current building structure utilized by the WCJRC is located is in and shall at all times remain the property of the Board of Miami County Commissioners. Likewise, any and all other assets are, and shall remain the property of, and/or become the property of, the Board of Miami County Commissioners. In the event that the operation of the WCJRC is terminated for any reason at any time hereafter, all assets of the WCJRC, both tangible and intangible, real and personal, shall revert to, and/or become the sole property of, the Board of Miami County Commissioners.

9. Amendments. The Advisory Board may, from time to time, recommend amendments to or modifications of this Governance. No such amendment or modification shall be effective until and unless it is approved by the board of county commissioners of each of the participating Counties.
10. Severability. If any portion of this Governance Agreement is deemed illegal due to a conflict with state or local law, or for any other reason, the remainder of this Governance Agreement shall continue in full force and effect.
11. Merger. All of the "whereas" clauses set forth above are incorporated into this Governance Agreement as if fully rewritten herein. This Governance Agreement is the complete understanding among the Counties in this regard. No prior agreements, whether written or oral, may affect, modify, enlarge, or alter this Governance Agreement.
12. Force Majeure. Should the subject matter of this Governance Agreement be rendered illegal, abolished by legislative action, or destroyed by an Act of God, pandemic, war, insurrection, or civil unrest, this Governance Agreement shall be terminated and shall be of no further force and effect.
13. Assignment. No party hereto may assign any of its rights and obligations hereunder absent the express written consent of all of the other parties hereto.
14. Headings. The paragraph headings contained in this Governance Agreement are solely for the convenience of the parties, and to facilitate the reading and use of this Governance Agreement, and are without legal effect.
15. Governing Law. This Governance Agreement shall be governed by, interpreted and/or construed under, and at all times shall remain in compliance with, the Ohio Revised Code, the Ohio Administrative Code, and other pertinent local and Federal law.
16. Relationship of the Parties. The relationship of the parties hereto which is created hereunder is limited to the specific content of this Governance Agreement and to the activities described herein. This Governance Agreement creates no other relationship, connection, or involvement among the parties and/or between any of the same except as is expressly set forth and described herein, and imbues no party with discretion or authority to act for or on behalf of, or to bind any other party or parties hereto.
17. Indirect Services. During the effective period of this Governance Agreement, and the participation of the Board of Miami County Commissioners in the same, Miami County, Ohio, by and through its pertinent public officials and employees, shall provide indirect services, including, but not limited to, fiscal and legal support, in a manner consistent with the practices and procedures of the West Central Juvenile Rehabilitation Center at the time of the initiation of this Governance Agreement. Further, Miami County, by and through the Board of Miami County Commissioners, will continue, during said period, to provide liability and property loss insurance

related to the operation of the WCJRC and to the property utilized thereby in a manner consistent with that in existence at the undertaking of this Governance Agreement by the parties, and continue to make available hospitalization coverage for employees working at the WCJRC in a manner consistent with that provided for other employees of Miami County, Ohio.

This Governance Agreement is duly entered into by the following boards of county commissioners, with the consent, approval and acceptance by their respective Juvenile Court Judges on the dates indicated by their respective signatures:

Per Resolution Number 20-474, The Board of Commissioners of Auglaize County, Ohio hereby enters into this Governance Agreement on the 12-1 day of 2020,

Board of Commissioners of Auglaize County, Ohio

By: Adam N. Bergman
By: David A. Spivey
By: Don Ragsdale

Approved for Form Only

Prosecuting Attorney

Per Resolution Number _____, The Board of Commissioners of Darke County, Ohio hereby enters into this Governance Agreement on the _____ day of 2020,

Board of Commissioners of Darke County, Ohio

By: _____
By: _____
By: _____

Approved for Form Only

Prosecuting Attorney

Per Resolution Number _____, The Board of Commissioners of Mercer County, Ohio hereby enters into this Governance Agreement on the _____ day of 2020,

Board of Commissioners of Mercer County, Ohio

By: _____
By: _____
By: _____

IN THE MATTER OF AUTHORIZING A RENEWAL APPLICATION WITH ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES, INC FOR CYBER LIABILITY INSURANCE FOR AUGLAIZE COUNTY.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 1st day of December, 2020.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, Auglaize County was presented a client authorization form to bind coverage for cyber liability insurance and a cyber insurance renewal application with Arthur J. Gallagher Risk Management Services, Inc; and,

WHEREAS, this policy period will become effective on 12/01/2020 and remain in effect until 12/01/2021; and,

WHEREAS, Arthur J. Gallagher Risk Management Services, Inc. has submitted the renewal application to the Board for its approval and execution.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio does hereby approve the cyber liability insurance and cyber insurance state of fact with Arthur J. Gallagher Risk Management Services, Inc. and does authorize John N. Bergman, President of the Board, to execute said documents.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
1st day of
December, 2020

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

<u>John N. Bergman</u>	<u>Yes</u>
John N. Bergman	
<u>Douglas A. Spencer</u>	<u>Yes</u>
Douglas A. Spencer	
<u>Don Regula</u>	<u>Yes</u>
Don Regula	

cc: Arthur Gallagher – Kevin Fink

IN THE MATTER OF AWARDING SMALL BUSINESS GRANT THROUGH THE "RESTART AUGLAIZE COUNTY 3.0" GRANT PROGRAM USING CARES ACT FUNDING.

The Board of County Commissioners of Auglaize County, Ohio, met in regular session on the 1st day of December, 2020.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, on the 3rd day of September, 2020 the Board of County Commissioners did approve resolution #20-392 creating the Cares Act Small Business Relief Grant Program call "ReStart Auglaize County 3.0"; and,

WHEREAS, the deadline to submit a completed application was October 22, 2020 and the Board of County Commissioners received over thirty-one applications; and,

WHEREAS, there was one application that was submitted on October 16, 2020 before the deadline, but due to spam filter on the county's email server was never received. This business did qualify for the \$15,000.00 funding for the Route 3.0 grant funding.

WHEREAS, the Board of County Commissioners have reviewed the application and will disburse the funds to the following applicant:

C O Welding & Fabrication Inc.	\$ 15,000.00
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THEREFORE, BE IT RESOLVED that the Board of County Commissioners does approve the grant to the C O Welding & Fabrication Inc. and authorizes the Clerk to do the paperwork necessary for payment of said grant.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this 1st day
of December, 2020

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes
John N. Bergman

Douglas A. Spencer, yes
Douglas A. Spencer

Don Regula, yes
Don Regula

cc: ✓ County Auditor
✓ Clerk of the Board
✓ Applicant

IN THE MATTER OF AMENDING THE ANNUAL APPROPRIATION AS REQUESTED BY THE AUGLAIZE COUNTY ADMINISTRATOR.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 1st day of December, 2020.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, under date of January 2, 2020, the Annual Appropriation for Auglaize County was accepted, having been prepared with the 2020 Annual Amended Official Certificate of Estimated Resources which was given to the Board of County Commissioners by the County Auditor; and,

WHEREAS, County Auditor Janet Schuler informed the Board that an amendment was made to the Annual Amended Official Certificate of Estimated Revenue for the Local Coronavirus Relief Fund (053) by \$202,855.97; and,

WHEREAS, Auglaize County Administrator requested that the Board amend the 2020 Annual Appropriation to reflect the following increase:

- Increase 053.0053.510200 (Salary) by \$16,000.00;
- Increase 053.0053.510201 (Medicare) by \$232.00;
- Increase 053.0053.530300 (Supplies) by \$10,000.00;
- Increase 053.0053.530400 (Equipment) by \$15,000.00;
- Increase 053.0053.530600 (Contract Services) by \$5,000.00;
- Increase 053.0053.530900 (Other Expense) by \$137,075.22;
- Increase 053.0053.531000 (Small Business Grant) by \$15,000.00;
- Increase 053.0053.535000 (Unemployment) by \$500.00;
- Increase 053.0053.536400 (Workers Comp) by \$320.00;
- Increase 053.0053.536600 (Health Insurance) by \$1,728.75;
- Increase 053.0053.536700 (PERS) by \$2,000.00.

THEREFORE BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio, does hereby order the 2020 Annual Appropriation Resolution be amended to show the change as tabulated above.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
1st day of
December, 2020

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman, Yes
John N. Bergman

Douglas A. Spencer, Yes
Douglas A. Spencer

Don Regula, Yes
Don Regula

cc: ✓ County Auditor
✓ County Administrator

IN THE MATTER OF AUTHORIZING THE PAYMENT OF THE COUNTY'S MANDATED SHARE OF PUBLIC ASSISTANCE FOR DECEMBER.

The Board of County Commissioners of Auglaize County, Ohio, met in regular session on the 1st day of December, 2020.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, it is necessary to pay the county's mandated share of Public Assistance for December.

THEREFORE, BE IT RESOLVED that the Board does authorize the County Auditor to make the following payment:

**From: 001-0905-533500 – Public Assistance Grant
Amount: \$ 5,120.34**

To: 006-0400-400101 – Public Assistance

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this 1st day
of December, 2020

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman
John N. Bergman

Douglas A. Spencer
Douglas A. Spencer

Don Regula
Don Regula

cc: County Auditor
Jobs & Family Services