

**IN THE MATTER OF SETTING DATE, TIME AND LOCATION AT WHICH TO CONVENE
SPECIAL SESSION OF THE AUGLAIZE COUNTY BOARD OF COMMISSIONERS.**

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 30th day of May, 2017.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, pursuant to Ohio Revised Code Section 305.07, "the Board of County Commissioners may provide by Resolution for the holding of special sessions"; and,

WHEREAS, the Board must set a special session on Wednesday, May 31, 2017 from 10:00 a.m. to 11:00 a.m. to attend the VFW Color Guard – annual flag ceremony at the Auglaize Acres, 13093 Infirmary Road, Wapakoneta, Ohio or until the conclusion of the business for the purpose stated above.

THEREFORE BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio, does hereby set on Wednesday, May 31, 2017 from 10:00 a.m. – 11:00 a.m. or until such time as the meeting is concluded, at the location so named above as the date, time and place to convene a special sessions for said Board; and,

BE IT FURTHER RESOLVED that a copy of this Resolution to be provided to The Evening Leader, The Wapakoneta Daily News, The Lima News and The Daily Standard to ensure adequate public notice of this special session.

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

Adopted this
30th day of
May, 2017

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

lrr
cc: newspapers

IN THE MATTER OF AUTHORIZING BUDGET ADJUSTMENTS.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 30th day of May, 2017.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, the Board has been requested to authorize budget adjustments as follows: and,

<u>General Fund:</u>	<u>From:</u>	<u>To:</u>
<u>Amount:</u>	001.0906.530600 (Contract Services)	001.0601.510200 (Salary)
\$ 4,333.39	001.0906.530600 (Contract Services)	001.0601.530902 (Training LE)

THEREFORE BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio, does hereby authorize the budget adjustments to show the changes 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
30th day of
May, 2017

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
- ✓ Sheriff

IN THE MATTER OF APPROVING THE SCHEDULE OF HOURLY RATES AND MAXIMUM ASSIGNED COUNSEL FEES TO BE PAID FOR LEGAL REPRESENTATION OF INDIGENT DEFENDANTS.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 30th day of May, 2017.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, Auglaize County recognizes its responsibility under the laws of the State of Ohio and the United States of America to provide legal counsel for indigent individuals charged with loss of liberty offenses and other statutorily granted right of counsel proceedings in the Courts of Auglaize County; and,

WHEREAS, Auglaize County has a County Public Defender's Office to provide representation in indigent defense cases, however, in instances where there is an ethical conflict, multiple defendants, or for other reasons where representation cannot or is not provided by or the County Public Defender's Office or where a county utilizes an assigned counsel program for indigent defense, the Commissioners wish to adopt a schedule of fees for those types of services; and,

WHEREAS, Pursuant to Section 120.33(A)(3) of the Ohio Revised Code, to receive reimbursement, a board of county commissioners must adopt a resolution to pay counsel appointed by the court, and must establish an up to date fee schedule which must be filed with the Office of the Ohio Public Defender, upon which reimbursement will be based; and,

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF AUGLAIZE COUNTY, OHIO: The following plan is adopted for use by the Courts of Auglaize County including the Third District Court of Appeals and Supreme Court.

1. Payment for representation in trial level cases not involving a death penalty specification will be made based on the maximum rate of \$50 per hour for out-of-court services and \$60 per hour for in-court services.
2. Attorneys are to bill within the following guideline which are the prescribed maximum fess permitted in trial level proceedings are:

<u>Offense/Proceeding</u>	<u>Fee Maximum</u>
Aggravated Murder (w/specs) Two Attorneys per O.R.C. 2929.04(A) and 2941.14(B)	*\$40,000 (Maximum for both Attorneys)

* Ohio Supreme Court Rule 20 of the Rules of Superintendence for the Courts of Ohio requires the appointment of two (2) attorneys in capital offense cases. This fee is the maximum that will be paid on the combined bills of both attorneys appointed to the case.

Aggravated Murder (w/o specs)	\$10,000/1 attorney \$12,000/2 attorneys
Murder (Maximum per Attorney per case)	\$ 5,000
Felony (Possible Life Sentence/Repeat Violent Offender/Major Drug Offender)	\$ 5,000
Felonies (degrees 1-3)	\$ 3,500
Felonies (degrees 4 & 5)	\$ 2,000
Misdemeanor (degrees 1-4)	\$ 1,000
Contempt of Court	\$ 300
Parole/Probation (and all other proceedings not elsewhere classified)	\$ 500

3. Payment for representation in juvenile proceedings will be made based on the maximum rate of \$50 per hour for out-of-court services and \$60 per hour for in-court services. Hourly rates and caps that apply to the attorney will apply for any Guardian ad litem appointed if said GAL is an attorney.

**Resolution approving the schedule of hourly rates and maximum assigned counsel fees
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Delinquency	Misdemeanor	\$ 1,000
	Felony 1	\$ 1,000
	Felony 2-3	\$ 1,000
	Felony 4-5	\$ 1,000
	Bind-over	\$ 1,000
Unruly A/D/N		\$ 1,000 \$ 1,000
Juvenile Traffic Offender Contempt		\$ 1,000 \$ 300
Probation/Community Control violation and all proceedings not elsewhere classified		\$ 500

Appellate Level Proceedings

4. Payment for representation in appellate level proceedings not involving a death sentence shall be based on the maximum rate of \$50 per hour for out-of-court and \$60 per hour for in-court services.
5. Payment for representation of appellate level proceedings involving a death sentence will be based on the maximum rate of \$50 *or* \$60 per hour for both out-of-court and in-court.
6. The prescribed maximum fees permitted in appellate level proceedings are listed below. The rates apply to each level of appeal.

Offense/Proceeding Fee Maximum

Aggravated Murder (death sentence imposed)	\$ 15,000
Aggravated Murder (sentence other than death)	\$ 4,000
Murder with Life Sentence/Repeat Violent Offender/ Major Drug Offender/Sexually Violent Predator	\$ 2,500
Felonies/S.B. 2 & H.B. 1 Appeals	\$ 1,500
Misdemeanor	\$ 1,000
Juvenile	
a) Delinquency	\$ 1,000
b) A/D/N; Permanent Custody	\$ 1,000
c) Other	\$ 1,000

* Ohio Supreme Court Rule 21 of the Rules of Superintendence for the Courts of Ohio requires the appointment of two (2) attorneys in capital cases. This fee is the maximum that will be paid on the combined bills of both attorneys appointed to the case.

Post-conviction and Habeas Corpus Proceedings

7. Payment for post-conviction and state habeas corpus proceedings not involving a death sentence will be made on the maximum rate of \$50 per hour for out-of-court services and \$60 per hour for in-court services.
8. The prescribed maximum fees permitted in post-conviction and habeas corpus proceedings not involving a death sentence are:

<u>Offense/Proceeding</u>	<u>Fee Maximum</u>
Post-conviction Proceeding with Evidentiary Hearing	\$15,000
Post-conviction Proceeding without Evidentiary Hearing	\$15,000
Habeas Corpus with Evidentiary Hearing Habeas Corpus without Evidentiary Hearing	\$ 1,500 \$ 1,500
Post-Conviction and Habeas Corpus Proceedings (Involving Death Sentence)	\$15,000
Post-Conviction and Habeas Corpus Proceedings (Not involving a Death Sentence)	\$ 1,500

**Resolution approving the schedule of hourly rates and maximum assigned counsel fees
May 30, 2017 – page three**

9. Payment for post-conviction and state habeas corpus proceedings involving a death sentence shall be made based on the maximum rate of \$50 per hour for both out-of-court and in-court services to a maximum of \$60 to be divided among services in the trial court, the Court of Appeals, and the Ohio Supreme Court.

Extraordinary Fees/Hourly Rate

10. Cases eligible for extraordinary fees or Extraordinary hourly rates are ones which, because of extraordinarily complex issues, multiple offenses, lengthy trials, or other reasons, warrant compensation at a rate which exceeds the maximums established by a county or the Ohio Public Defender. Payment for extraordinary fees/hourly rates are subject to the following requirements and are hereby enacted:

Auglaize County hereby provides for extraordinary fees/hourly rates in this fee resolution adopted pursuant to R.C. 120.33(A)(3).

Expenses

11. Necessary and reasonable expenses associated with representation to the indigent defendant shall be allowed and paid if approved by the court, including extraordinary fees. Expenses to include but not limited to expert witness fees, depositions, polygraph examinations, mental and physical examinations, investigation costs, mileage, copying and other necessary and relevant items.
12. Payment of fees be contingent upon the bills being submitted within thirty (30) days after completion of the case (To allow time to meet the 90 day deadline for the State Public Defender reimbursement)
13. Auglaize County Commissioners may amend this fee schedule at any time. Whenever the schedule is amended or revised, a copy of the resolution amending the fee schedule is directed to be sent to the Ohio Public Defender along with notice to all the courts and assigned counsel.

Effective date

14. The effective date of the new Schedule of Fees for Assigned Counsel is May 30, 2017. Cases submitted to the court for payment after May 30, 2017 will be eligible for the fees established above even though the appointment may have been prior.

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

Adopted this
30th day of
May, 2017

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: Public Defender
✓ County Auditor

County Commissioners Office
Auglaize County, Ohio
May 30, 2017

No. 17-224

IN THE MATTER OF AUTHORIZING THE SUPPLEMENTAL POLICY FOR INMATE WORKER PROGRAM FOR AUGLAIZE COUNTY EFFECTIVE MAY 30, 2017.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 30th day of May, 2017.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, Board of County Commissioners recognizes that it is a benefit to the County to have the opportunity to participate in the Sheriff's Office Inmate Worker Program; and,

WHEREAS, and the Board of County Commissioners (BOCC) further recognizes that the Sheriff has the responsibility for training and overall implementation of the program, the BOCC believes it to be in the best interest of the County to provide supplemental guidance to the BOCC employees utilizing the program; and,

WHEREAS, any employee seeking to participate in the Inmate Worker Program must attend the annual training held by the Sheriff's Office. In addition to the Sheriff's Office training, the BOCC may periodically hold training sessions regarding the use of inmate workers; and,

WHEREAS, the following departments are authorized to use inmate workers if the training requirements are met: Dog Warden, BOCC Maintenance Staff, Recycling Center and Fairgrounds Caretaker.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio does hereby approve the supplemental policy for the Inmate Worker Program for Auglaize County, effective May 30, 2017 as stated above; and,

BE IT FURTHER RESOLVED that a copy of this Resolution be distributed to all departments authorized to participate in the Inmate Worker Program; and,

BE IT STILL FURTHER RESOLVED that a copy of the supplemental policy will become part of this resolution.

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

Adopted this
30th day of
May, 2017

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: Dog Warden
Recycling Center
BOCC Maintenance
Fairgrounds Caretaker
Sheriff

Auglaize County Commissioners Supplemental Policy for Inmate Worker Program

The Board of County Commissioners recognizes that it is a benefit to the County to have the opportunity to participate in the Sheriff's office inmate worker program.

While the Board of County Commissioners ("BOCC") further recognizes that the Sheriff has the responsibility for training and overall implementation of the program, the BOCC believes it to be in the best interest of the County to provide supplemental guidance to BOCC employees utilizing the program.

In addition to the below policies, the guidelines and rules set forth by the Sheriff's office shall be followed.

Training:

Any employee seeking to participate in the inmate worker program must attend the annual training held by the Sheriff's office. In addition to the Sheriff's office training, the BOCC may periodically hold trainings sessions regarding the use of inmate workers.

No County employee is required to attend the inmate worker training held by the Sheriff's office or the BOCC office but failure to do so makes such employee ineligible for participation in the inmate worker program and has no ability to supervise inmate workers.

General Rules:

- An employee signing an inmate out of the Sheriff's office has the responsibility of supervising and directing the work and conduct of the inmate worker during the time that the inmate worker is outside of the law enforcement center. Inmate workers require supervision and frequent reminders of their work duties.
- The responsibility for supervising an inmate worker may only be "transferred" over to another BOCC employee (other than the employee who signed the inmate worker out from the Sheriff's office) if the employee that the inmate worker is being transferred to has been properly trained and is willing to take on the transfer.
- Inmate workers must be returned to the law enforcement center for meals. If the inmate worker is not returned in time for schedule meals, the department supervising the inmate worker must provide the inmate worker a meal.
- No heavy machinery will be operated by an inmate. Lawn mowers and snow blowers are not considered heavy equipment under this policy.
- All safety equipment will be provided by the department and must be worn by the inmate.

The following addresses how each department is authorized to use inmate workers.

Dog Warden:

The BOCC recognizes that an inmate worker could be of assistance for the dog warden's office on a daily basis for the following job functions:

- Kennel Cleaning – sweeping, moping, etc.
- Vehicle Cleaning – including cages in the vehicle
- General maintenance of the facility
- Walking of dogs (**if an inmate worker is walking dogs outside of the immediate area of the supervising employee, the inmate worker must be checked on every ten minutes (or more frequently as the situation warrants)**)
- Feeding of dogs
- Assisting in capturing a dog that is not easy to get into lead or ketch pole. **When assisting in this function, the inmate worker must be in the immediate area of the supervising employee.**

When the work load is adequate to justify the use of an inmate worker for the above listed purposes, the dog warden department may utilize inmate workers without further approval from the BOCC.

Maintenance:

The BOCC recognizes that the use of inmate workers could benefit the County's maintenance department when the maintenance department is engaging in the following activities:

- Mowing lawns
- Trimming bushes
- Raking leaves
- Pulling weeds
- Cleaning grounds and walks
- Removing snow and ice
- Moving boxes and records
- Painting

The BOCC does not believe that the inmate worker should be with the maintenance department all day, every day; rather the BOCC believes the inmate workers should be with maintenance staff while completing the objective above or if prior approval is received from the BOCC for a special project. Please note that the BOCC does

- Inmates are not permitted to operate any motor vehicle other than a lawn mower. Additionally, inmate workers may not be left alone in or around a motor vehicle when the keys are in the vehicle.
- Inmates are not permitted to receive any visitors.
- Inmates may not have access to cell phones or computers. No phone calls may be made by an inmate.
- Spot checks may be conducted by the BOCC on occasion and any violations may result in a suspension of the inmate program for BOCC employees.
- Inmates must stay in their assigned uniform.
- No inmate may be in charge of another inmate at any time.
- Inmate workers shall remain in the immediate work area as the supervising employee.
- Inmate workers must be provided adequate break periods.

Restricted Areas:

Inmate workers may not be in areas considered sensitive or restricted in nature. Such areas include, but may not be limited to:

- Technology areas, including but not limited to tech/server rooms
- The Treasurer's office
- The Recorder's office
- Judge's Chambers
- Clerk of Court's office
- Prosecutor's office
- Veteran's office conference room

If you have a question about a room's sensitive nature please contact the County Administrator or Board of County Commissioners. If there is a special project to be performed in one of the restricted areas, access may be requested on the special request form attached hereto.

Discipline/Issues with inmate workers:

If any inmate worker causes any type of problem or is not performing the assigned task adequately, the supervising employee shall immediately notify his or her supervisor. The inmate worker shall also be immediately taken back to the Auglaize County Jail.

Use by Departments:

recognize that on occasions the objectives above may take an entire work day to complete.

**** If the maintenance department has a special project that they would like the assistance of an inmate worker on, they must request approval from the BOCC for inmate use on the project. The request must include the project description and the time, dates and number of inmate workers desired for the special project. Please use the provided form attached hereto as Attachment A.**

Recycling Center:

The BOCC recognizes that an inmate worker could be of assistance at the recycling center on a daily basis for the following job functions:

- Sorting of plastics
- Facility cleaning (sweeping, mopping, raking, picking up miscellaneous materials, etc.)
- Assisting with putting materials in, around and near the baler
- Cleaning of vehicles
- Emptying containers with recycling materials

When the work load is adequate to justify the use of an inmate worker for the above listed purposes, the recycling center may utilize inmate workers without further approval from the BOCC; however the BOCC must be notified that the Recycling Center is utilizing inmate workers.

Fairgrounds Caretaker:

The BOCC recognizes that the use of inmate workers could benefit the County's fairgrounds caretaker when the caretaker is engaging in the following activities:

- Trash pick-up and removal
- Building cleaning
- Setting up and tearing down equipment for events
- General grounds maintenance

The BOCC does not believe that the inmate worker should be with the fairgrounds caretaker all day, every day; rather the BOCC believes the inmate workers should be with the fairgrounds caretaker only while completing the objective above or if prior approval is received from the BOCC for a special project. Please note that the BOCC does recognize that on occasions the objectives above may take an entire work day to complete.

**** If the fairgrounds caretaker has a special project that they would like the assistance of an inmate worker on, they must request approval from the BOCC for inmate use on the project. The request must include the project description and the time, dates and number of inmate workers desired for the special project. Please use the provided form attached hereto as Attachment A.**

All employees of Auglaize County must realize that even though an individual is an inmate worker, he or she is still an incarcerated person with the Auglaize County Jail. Additionally, supervising employees must keep in mind that there is a constant eye on the County from the public and a job should always be performed with an inmate worker accordingly.

Failure to follow the above policy may result in discipline as provided in the County Personnel Handbook.

The BOCC may determine to revoke the privilege of the use of inmate workers at any time for BOCC employees. Additionally, the inmate worker program may be discontinued by the Sheriff's office at any time and for any reason.

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Special Project Request Form:

Location of the Project: _____

Description of the Project: _____

Project Timeline:

Start Date _____
Estimated completion date _____
Hours per day spent on project _____

Number of Inmate Workers Requested: _____

Name of Person Submitting this Special Project Request Form: _____

BOCC Approval:

___ Approved

___ Denied

Additional Comments: _____

BOCC Authorizing Signature _____

Date: _____

IN THE MATTER OF APPOINTING REX KATTERHEINRICH TO THE AUGLAIZE COUNTY REVOLVING LOAN FUND BOARD.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 30th day of May, 2017.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, on January 6, 2004, in Resolution #04-009, the Board of County Commissioners made appointments to the Auglaize County Revolving Loan Fund Board; and,

WHEREAS, Donna Larson, was a member of the Local Board, and has ended her Economic Development leadership for the Village of New Knoxville with Rex Katterheinrich accepting this Economic Development position; and,

WHEREAS, Mr. Katterheinrich has consented to replace Ms. Larson on the Local Board.

THEREFORE BE IT RESOLVED, that the Board of County Commissioners, Auglaize County, Ohio does hereby appoint Rex Katterheinrich to the Auglaize County Revolving Loan Board.

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

Adopted this
30th day of
May, 2017

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman
John N. Bergman

Douglas A. Spencer
Douglas A. Spencer

Don Regula
Don Regula

cc: RLF Coordinator
✓ Rex Katterheinrich