

THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIANA COUNTY, OHIO,
MET IN REGULAR SESSION IN THEIR OFFICE IN THE COURTHOUSE, LISBON, OHIO
ON WEDNESDAY, AUGUST 19, 2020 AT 9:00 A.M.

ROLL CALL: MR. HOPPEL, MR. WEIGLE, MR. HALLECK

CLERK: CALLIE SOWARDS

PRAYER WAS GIVEN BY: None

RE: MINUTES

Motion by Mr. Weigle, seconded by Mr. Halleck to dispense with the reading of the minutes and the bills of the regular meeting of August 12, 2020 and approve them as written.

VOTE RESULTED:
AYES: WEIGLE, HALLECK, HOPPEL
NAYES: NONE
MOTION CARRIED

RE: TRAVEL

None

RE: THEN & NOW BILLS

Motion by Mr. Weigle seconded by Mr. Halleck to; approve the Then & Now bills as presented:

HUMAN SERVICE	PO#495199	HARRIS COMPUTER	\$5,313.62
ADULT PROBATION	PO#495249	FORENSIC FLUIDS	\$4,344.00
COMMISSIONERS	PO#495204	ATTY. RICHARD HURA	\$1,280.00
COMMISSIONERS	PO#495189	INVOLTA, LLC	\$10,570.00
COMMISSIONERS	PO#495206	HOWELLS & BAIRD	\$3,250.00
COMMISSIONERS	PO#495239	LAW OFFICE ADAM BUENTE	\$1,326.00
CLERK OF COURTS	PO#495203	SELECTUS CONSULTING	\$1,320.00
COMMON PLEAS	PO#495251	SUPREME COURT OF OHIO	\$2,907.16
PROBATE COURT	PO#495214	ATTY. STEPHEN HILL	\$1,695.00
WATER & SEWER	PO#515267	COL. CTY. WATER & SEWER	\$10,000.00
WATER & SEWER	PO#515250	OHIO PUMP OF SALEM	\$2,328.00

VOTE RESULTED:
AYES: WEIGLE, HALLECK, HOPPEL
NAYES: NONE
MOTION CARRIED

RE: ACCEPT COURT/AGENCY REPORTS FOR JOURNALIZATION

None

RE: AMENDED CERTIFICATE/APPROPRIATIONS

Motion by Mr. Weigle, seconded by Mr. Halleck to; accept as presented by the Office of Budget Commission the Amended Certificated dated August 19, 2020 and the following appropriations:

CERTIFY:

P06-P06	\$125,000.00	T01-T01	\$28,518.00	T15-T15	\$35,233.86
T40-T40	\$27,434.82	T16-T16	\$51,540.00	Y98-Y98	\$17,163.33

APPROPRIATE:

A00-H01-E-0203	\$2,702.82	P06-P06-E-2001	\$125,000.00	T01-T01-E-0002	\$20,520.00
T01-T01-E-0008	\$2,872.80	T01-T01-E-0009	\$307.80	T01-T01-E-0010	\$1,676.70
T01-T01-E-0011	\$410.40	T01-T01-E-1000	\$500.00	T01-T01-E-1012	300.00
T01-T01-E-2680	\$1,000.00	T01-T01-E-2681	\$930.30	T15-T15-E-4032	\$35,233.86
T40-T40-E-1008	\$27,434.82	T16-T16-E-4032	\$51,540.00	Y98-Y98-E-2460	\$9,463.12
Y98-Y98-E-2460	\$7,700.21				

VOTE RESULTED:
AYES: WEIGLE, HALLECK, HOPPEL
NAYES: NONE
MOTION CARRIED

RE: PERMISSION TO HUNT ON COUNTY HOME ROAD PROPERTY

Motion by Mr. Weigle, seconded by Mr. Halleck to; grant permission to hunt on County Home Road property to John Lawrence and Christian Barnes.

VOTE RESULTED:
AYES: WEIGLE, HALLECK, HOPPEL
NAYES: NONE
MOTION CARRIED

RE: AUTHORIZE COMMISSIONER WEIGLE TO SIGN STATEMENT OF WORK WITH COMTECH NEXTGEN, LLC

Motion by Mr. Weigle, seconded by Mr. Halleck to; authorize Commissioner Weigle to sign on behalf of EMA/911, a 60/40 grant for Statement of Work (SOW) with Comtech NextGen, LLC for backup of additional PSAP's.

VOTE RESULTED:
AYES: WEIGLE, HALLECK, HOPPEL
NAYES: NONE
MOTION CARRIED

RE: ADOPT RESOLUTION #33-2020 COVID-19 RELIEF FUND EXPENSES AND CERTIFICATION

Motion by Mr. Weigle, seconded by Mr. Halleck to; adopt Resolution 33-2020, certifying certain expenses as eligible under the CARES Act and Ohio HB 481; authorizing payment from the Columbiana County Coronavirus Relief Fund; and directing the Auditor to make any necessary adjustments.



COLUMBIANA COUNTY
Board of County Commissioners

Resolution No. 33-2020

Jim Hoppel, President
Tim Weigle
Mike Halleck

A Resolution Certifying Certain Expenses as Eligible Under the CARES Act and Ohio HB 481; Authorizing Payment from the Columbiana County Coronavirus Relief Fund; and Directing the Auditor to Make any Necessary Adjustments.

WHEREAS, the State of Ohio received funding to respond to and combat the coronavirus health pandemic under the federal CARES Act; and

WHEREAS, the State of Ohio provided a certain amount of those funds to local government subdivisions, under Ohio HB 481; and

WHEREAS, Columbiana County has set up the Columbiana County Coronavirus Relief Fund (B64) with the allocation received from the State of Ohio under HB481; and

WHEREAS, the Board of Commissioners of Columbiana County and other offices of county government have had substantial expenses which were necessary to respond to and combat the coronavirus health pandemic; and

WHEREAS, the Board of Commissioners of Columbiana County wishes to approve certain expenses for payment from the B64 Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF COLUMBIANA COUNTY, OHIO:

- 1. That the Board of Commissioners of Columbiana County, Ohio has reviewed the expenses attached hereto as Exhibit 2020-08-19-1-A.
2. That the Board of Commissioners of Columbiana County, Ohio does hereby determine and certify that each expense listed in Exhibit 2020-08-19-1-A is an eligible expense under the CARES Act and Ohio HB 481; and that each expense meets each of the following requirements: a) it is a necessary expenditure incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); b) it was not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and c) it was incurred during the period that began on March 1, 2020, and ends on December 30, 2020.
3. Each Commissioner is hereby authorized to sign any certification documents needed to evidence this determination.
4. That said expenditures may be paid directly from or, if already paid from a different fund, may be adjusted to reflect payment from, the Columbiana County Coronavirus Relief Fund (B64).
5. Any Commissioner or employee of the Board of County Commissioners may communicate with the Columbiana County Auditor's Office to effect the findings of this Resolution.

APPROVED: August 19, 2020

Signature of Jim Hoppel, President

Signature of Tim Weigle

Signature of Mike Halleck

VOTE RESULTED:
AYES: WEIGLE, HALLECK, HOPPEL
NAYES: NONE
MOTION CARRIED

RE: AUTHORIZE ELECTIONS BOARD TO HIRE OUTSIDE LEGAL COUNSEL

Commissioner Hoppel: Could I have a motion to get it on the table.

Commissioner Weigle: So moved; second by Commissioner Halleck with discussion.

Commissioner Hoppel: We received a letter from the Elections Board asking us to give them permission to hire an attorney for a situation that they are involved in and then we received a letter this morning from Mr. Herron saying some of the things they did were illegal in their executive session. Our thoughts were that, right now, John Gamble is not on the ballot, and we thought if we got this solved quick enough and was fair to the whole situation that we would try to get this solved as quick as possible so they would have an attorney so they could decide something to get him on the ballot. Evidently, that may not happen now by the decision of the board of what we make today whether they can hire an attorney or not and whether they go through with their hearing, which is Friday.

Commissioner Weigle: Prosecutor Herron hand delivered this letter to me in my office this morning and his first words out of his mouth was you took an oath to uphold the law. I hadn't opened the letter and read it yet, but I did open it and read it and he cites a couple of statues in here ORC 121.22 executive session, which the Board of Elections did go in to and at the conclusion of that they made the decision to hire outside counsel. My understanding the outside counsel they are hiring would probably be the one appointed to this case anyway because he does work for CORSAs. I don't think Prosecutor Herron's office can represent the Board and represent us at the same time. As far as I'm concerned, hiring this attorney, who is also probably on retainer with CORSAs, would be allowed.

Commissioner Hoppel: The Election Board voted 4-0 to hire this attorney after the executive session.

Commissioner Weigle: Prosecutor Herron's comment in this letter actually states that they didn't have legal counsel in there, so what they did was somewhat illegal or they didn't have the authority to do it because they didn't actually have counsel in there. Again, the counsel, he can't represent both of us.

Commissioner Halleck: I think the larger question is, its obvious because the issue is related to a candidate that currently is not on the ballot, as I understand it for prosecutor. Obviously, the prosecutor's office has a conflict. When I read an article that there was a letter coming our way, I did some due diligence, I reviewed the section that he's quoting and I think if you read ORC 305.14A is what he seems to be quoting and 305.14B says the Commissioners shall have the authority to hire counsel. Then it was pointed out to me that not long ago the Veterans Affairs did not get anybody's permission to hire an attorney to sue us. I see that the Board of Elections Director received a copy of this letter and it says in this letter, and the part that concerns me, it's pretty clever, to hire an attorney to do so would create liability for both boards and would lead to the illegal expenditure of public monies. Now, was it an illegal expenditure of public monies before or anytime its ever happened in this county's history? I don't know what was illegal. Are you required to have an attorney every time you go into executive session? I would recommend that the Chairman of the Board of Elections, Mr. Johnson, and the Director set down and talk to the Secretary of State expeditiously and get back to us and possibly the Attorney General because I don't think its fair, frankly, that Mr. Gamble doesn't get a hearing, if that's what the intent is on Friday. I don't know what it is about but its pretty obvious there would be a 2-2 vote.

Commissioner Hoppel: They say the Board of Elections met and didn't have an attorney in their executive session and then they came out and made a decision. Ultimately, we are going to be responsible for what the Board of Elections does. Is that right?

Commissioner Halleck: I'll be very candid. Two things are compelling to me. There are two democrats and two republicans that agreed on something. This is pretty fundamental in most cases. How someone that was in executive session knows it was an illegal executive session is based on one criteria, allegedly there was not an attorney in there. How do you get an attorney in the room if you can't hire an attorney because it's illegal? So that in itself is a conflict. How can a prosecutor, anybody affiliated with that office, would be an obvious conflict? I have no idea who they want to hire or who this attorney is. I've never met the man, don't know his name other than what I saw in the letter. Apparently, they guy has a lot of expertise in election law. It would only make sense, because I can tell you where this is going. There is going to be a lot of attorneys involved. There is going to be an argument as to the legitimacy of this, what went on at the Board of Elections and possibly even our actions over something that can really be very simple. I'm not even sure what all the issues are up there. I'm hoping we can get some resolution to this. I just don't like the line in there about an illegal expenditure. Concerning what he said to you Commissioner Weigle, everybody took an oath around here.

Commissioner Hoppel: That oath ends by saying "to the best of your ability".

Commissioner Halleck: This Board wants to do the right thing.

Commissioner Hoppel: We're trying to get it solved so were fair with everybody involved.

Commissioner Weigle: I know we all had questions and we thought maybe it would be a good idea to contact Prosecutor Herron this morning, which I tried to two minutes before the meeting, and ask him to come down so that could amend the agenda and go into an executive session. I got no response back. I know he's here in the building, but now response back as of 18 minutes after 9:00 a.m. I would assume by now he might have got the voice message. I'm prepared to go ahead and make a decision and amend the motions slightly to reflect any other comments from the Secretary of State or the Attorney General, I am willing to move forward with this.

Commissioner Halleck: Well, make a motion then as to what you want to state.

Commissioner Weigle: My motion would state that we should allow the Board of Elections to hire the attorney that they've recommended barring any other roadblocks or comments from the Secretary of State or the Ohio State Attorney General and if we hear something from them then maybe that will change the outlook or the outcome of our motion today.

Commissioner Halleck: I would like to add to the motion, if I may. I would make a motion to approve the hiring of attorney requested by the Board of Elections provided that the Secretary of State and/or the Attorney General of Ohio shows us that this is not an illegal expenditure of public monies and I would refer the ORC 305.14B to authorize the Board of Commissioners to this.

Commissioner Hoppel: Is that your motion?

Commissioner Halleck: Yes, if I can add that to the motion.

Commissioner Weigle: Second.

Roll Call: Commissioner Halleck – Yes
Commissioner Weigle – Yes
Commissioner Hoppel – Yes
Nayes: None
Motion Carried

RE: APPROVE COOK PLAT #1, ROAD DEDICATION, HANOVER TWP.

Motion by Mr. Weigle, seconded by Mr. Halleck to; approve a Road Dedication, Cook Plat #1, Lot #4A and 4B, S.W. ¼ Sec. 12, Twp. 15, Hanover, Rng 4, Columbiana County, Ohio.

VOTE RESULTED:
AYES: WEIGLE, HALLECK, HOPPEL
NAYES: NONE
MOTION CARRIED

RE: APPROVE FUND TRANSFER A00-S01-E-1450 TO 006-006-R-0600, COMMON PLEAS

Motion by Mr. Weigle, seconded by Mr. Halleck to; approve a fund transfer from A00-S01-E-1450 to 006-006-R-0600 in the amount of \$1,860.78 for Common Pleas. This represents monies going into the Court's Special Fund for Loan Repayment on the Roof/Renovation Project.

VOTE RESULTED:
AYES: WEIGLE, HALLECK, HOPPEL
NAYES: NONE
MOTION CARRIED

RE: APPROVE VENDOR CONTRACT; CCDJFS & BREE GONZALES, SENIOR SERVICES CASE
MANAGER SERVICES

Motion by Mr. Weigle, seconded by Mr. Halleck to; approve the Vendor Contract Amendment I for the Vendor Contract between CCDJFS and Bree Gonzales for Senior Services Case Manager Services. This Amendment, effective August 19, 2020 and mutually agreed upon by both parties, increases the hours worked per year by 780 hours from 1,300 hours to 2,080 hours. This increase in hours worked results in a \$20,670.00 increase in the contract ceiling from \$34,450.00 to \$55,120.00. All other terms of the contract remain the same. Contract period is January 2, 2020 through December 31, 2020. Funding is Senior Services Levy.

VOTE RESULTED:
AYES: WEIGLE, HALLECK, HOPPEL
NAYES: NONE
MOTION CARRIED

Commissioner Hoppel adjourned the meeting.