

MONDAY, AUGUST 6, 2018

THE BOARD OF DARKE COUNTY COMMISSIONERS MET IN REGULAR SESSION AT 1:30 P.M. WITH MEMBERS PRESENT: Commissioner Chairman Michael W. Rhoades and Member Michael E. Stegall; Charity Hutt, Assistant Clerk/Secretary; Asst. Pros. Atty. Margaret Hayes; Susan Hartley w/Earlybird; Erik Martin w/Daily Advocate; and DC Citizen Fred Dean.

ABSENT: Vice Chairman Matthew W. Aultman; Robin Blinn, Administrative Clerk/Secretary

Minutes of Wednesday, August 1, 2018: Mr. Stegall moved to approve; motion seconded by Mr. Rhoades and BOTH voted YEA.

IN THE MATTER OF RESOLUTION (R-227-2018) EXAMINATION AND ALLOWANCE OF BILLS

It was moved by Mr. Stegall and seconded by Mr. Rhoades that the following resolution be adopted

The attached vouchers dated Aug. 1 & Aug. 6, 2018 for County Bills, including any

"Then & Now" Certificates, in the amount of the General Fund: \$463.39 + \$53,915.00;

Outside General Funds \$76,923.77; for a Grand Total of \$131,302.16;

are hereby approved for payment.

Michael W. Rhoades

Matthew W. Aultman - Absent

Michael E. Stegall
Board of Darke County Commissioners

IN THE MATTER OF APPLICATION TO EMPLOY LEGAL COUNSEL TO REPRESENT THE BOARD OF COUNTY COMMISSIONERS

Mr. Stegall moved to approve the following "Application to Employ"; motion seconded by Mr. Rhoades and both voted YEA.

Now comes the Board of County Commissioners of Darke County, Ohio, and R. Kelly Ormsby, III, Darke County Prosecuting Attorney, who hereby apply to this Court, pursuant to R.C. 305.14(A) and the inherent power of this Court, to authorize the Board to employ Mark Landes, of Isaac, Wiles, Burkholder & Teetor, LLC as legal counsel to assist the prosecuting attorney, the board, or any other county officer in any matter of public business coming before such board or officer, and in the prosecution or defense of any action or proceeding in which such board or officer is a party or has an interest, in its official capacity; to wit: representation of the Darke County Board of Commissioners regarding issues concerning repairs to the courthouse steps and courthouse security.

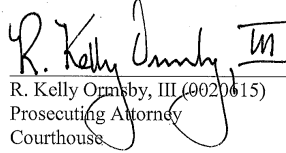
Applicants submit that R.C. 305.14 provides that the Board of County Commissioners and the Prosecuting Attorney may apply to the Court for authorization to employ legal counsel to assist the prosecuting attorney, the board, or any other county officer in any matter of public business coming before such board or officer, and in the prosecution or defense of any action or proceeding in which such board or officer is a party or has an interest, in its official capacity. Applicants further state that there is presently pending a matter in which the Prosecuting Attorney may not represent some county officials versus other county officials, therefor all county parties desiring legal counsel shall necessarily have to be represented by outside legal counsel. At the moment, this matter concerns representation of the Darke County Board of Commissioners regarding issues concerning repairs to the courthouse steps and courthouse security. The expenses resulting from such employment shall be paid from the county's general fund.

Application to Employ (cont.)

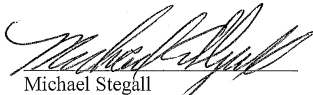
Applicants further state that Mark Landes, of Isaac, Wiles, Burkholder & Teetor, LLC, a duly licensed attorney in this state, has agreed to serve as such legal counsel for such purpose.

Therefore, the undersigned hereby respectfully request that the Court authorize such employment upon such terms and for such purpose.

Respectfully submitted,


R. Kelly Ormsby, III (0020615)
Prosecuting Attorney
Courthouse
Greenville, Ohio
937-547-7380


Michael W. Rhoades


Michael Stegall

Matthew Aultman

Board of Commissioners
Darke County, Ohio
520 S. Broadway
Greenville, Ohio 45331

IN THE MATTER OF APPLICATION TO EMPLOY LEGAL COUNSEL TO ASSIST PROSECUTING ATTY.

Mr. Stegall moved to approve the following "Application to Employ"; motion seconded by Mr. Rhoades and both voted YEA.

Comes now the Board of County Commissioners of Darke County, Ohio, and R. Kelly Ormsby, III, Prosecuting Attorney, who hereby apply to this court, pursuant to R.C. Sections 2941.63, and 305.14(A) and the inherent power of this court, to authorize the board to employ Matthew K. Fox, Mercer County Prosecuting Attorney, and/or any of his assistant prosecuting attorneys whom he may designate, as legal counsel to assist the Darke County Prosecuting Attorney in the possible prosecution of an action; to-wit: the review of a case and possible prosecution of a police officer employed by the Greenville Police Department, upon the joint request of the Darke County Prosecuting Attorney and the Darke County Board of County Commissioners.

Applicants submit that R.C. Sections 2941.63 and 305.14 provide that the Board of County Commissioners and the Prosecuting Attorney may apply to the court for authorization to employ legal counsel to assist the Prosecuting Attorney, the board, or any other county officer in any matter of public business coming before the same. More specifically, this matter involves who is employed by the Greenville Police Department.

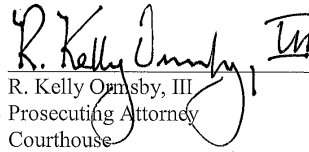
To ensure public confidence in the way this matter is handled, the Ohio Bureau of Criminal Investigation (BCI) and the Mercer County Prosecuting Attorney were contacted and agreed to investigate and to potentially prosecute this case. The expenses, if any, resulting from the employment of the Mercer County Prosecuting Attorney shall be paid from funds appropriated to the office of the County Commissioners.


Application to Employ (cont.)

Applicants further state that Matthew K. Fox and his assistant prosecuting attorneys are duly licensed attorneys in this State, and have agreed to serve for such purpose as Special Assistant Prosecuting Attorney(s) for Darke County.

Therefore, the undersigned hereby respectfully request that the court authorize such employment upon such terms and for such purpose.

Respectfully submitted,


 R. Kelly Omsby, III
 Prosecuting Attorney
 Courthouse
 504 S. Broadway
 Greenville, OH 45331
 937-547-7380


 Michael W. Rhoades

Matthew Aultman

 Michael E. Stegall
 Board of Commissioners
 Darke County, Ohio
 520 S. Broadway
 Greenville, OH 45331

IN THE MATTER OF RESOLUTION (R-228-2018) FCFC 2019 HELP ME GROW

WHEREAS, the DC Health Dept., is requesting that the following "Revenue & Appropriation Decreases" be changed; and

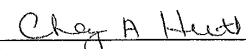
WE DO HEREBY RESOLVE, the following changes are as follows:


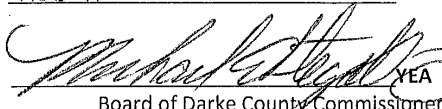
Not receiving money for subsidy from grant

| | | | |
|-------------------------------|----------------------|---------------|------------------|
| Est. Revenue Decrease..... | \$ (1,438.00) | State Subsidy | #447-4249.432060 |
| Total Revenue Decrease | \$ (1,438.00) | | |

| | | | |
|--------------------------------|---------------------|----------------|------------------|
| Appropriation Decrease.... | \$ (\$1,438.00) | Dist. Of Grant | #447-4249.570060 |
| Total Approp. Decreases | (\$1,438.00) | | |

Mr. Stegall moved; and Mr. Rhoades seconded the resolution and ALL voted as follows: BOTX


 Charity A Hutt,
 Asst. Administrative Clerk/Secy.

 (YEA)
 Absent (YEA)
 (YEA)
 Board of Darke County Commissioners

IN THE MATTER OF RESOLUTION (R-229-2018) FUND ADVANCE – BACKS

WHEREAS, Darke Co. Grants is requesting that the following "Fund Advance-back" be completed: "Advance revenue back to general fund for Manoley Project (R-222 dtd. 7/25/18)", and

WE DO HEREBY RESOLVE, the following "Fund Advance-back" be approved as follows:

| | | |
|-------------|--------------------------------------|-----------------------------------|
| \$ 4,200.00 | From: #195-7016.590000 (Advance Out) | To: #001-8070.490000 (Advance In) |
| \$4,200.00 | | |

WHEREAS, Darke Co. Grants is requesting that the following "Fund Advance-backs" be completed for "Fishers Project and part of OCCD Summer Training": "Advance revenues back to general fund (R-181 dtd. 6/11/18; R-185 dtd. 6/18/18; & R-214 dtd. 7/18/18);

WE DO HEREBY RESOLVE, the following "Fund Advance-backs" be approved as follows:

| | | |
|--------------|--------------------------------------|-----------------------------------|
| \$ 1,910.00 | From: #195-7016.590000 (Advance Out) | To: #001-8070.490000 (Advance In) |
| \$ 15,260.00 | " | " |
| \$ 1,437.97 | " | " |
| \$ 62.03 | " | " |
| \$18,670.00 | | |

Mr. Stegall moved; and Mr. Rhoads seconded the resolution and ALL voted as follows:

Charity A Hutt
Charity A Hutt,
Asst. Administrative Clerk/Secretary

Michael D. Rhoads YEA
Absent YEA
Michael D. Rhoads YEA
Board of Darke County Commissioners

IN THE MATTER OF RESOLUTION (R-230-2018) 2018 LITTER MANAGEMENT GRANT (Revenue & Appropriation Increases)

WHEREAS, the DC Solid Waste District is requesting that the following "Revenue & Appropriation Increases" be changed; and

WE DO HEREBY RESOLVE, the following changes are as follows:

Darke Co. Solid Waste District - Received new grant for Trash Bash, Tire Recycling and Keep America Beautiful

| | | | |
|----------------------------------|--------------------|-------------------|------------------|
| Est. Revenue Increases... | \$17,000.00 | State Grant | #439-3012.433000 |
| Est. Revenue Increases... | \$1,650.00 | Solid Waste Match | #439-3012.434050 |
| Est. Revenue Increases... | \$8,500.00 | Advance In | #439-3012.490000 |
| Total Revenue Increase... | \$27,150.00 | | |

APPROPRIATION INCREASES

| | | | |
|----------------------------------|--------------------|-----------------|------------------|
| Est. Approp. Increase ... | \$500.00 | Membership/Dues | #439-3012.532030 |
| Est. Approp. Increase ... | \$7,150.00 | Trash Bash | #439-3012.538109 |
| Est. Approp. Increase ... | \$11,000.00 | Trash Hauling | #439-3012.538110 |
| Est. Approp. Increase ... | \$8,500.00 | Advance Out | #439-3012.590000 |
| Total Revenue Increase... | \$27,150.00 | | |

Mr. Stegall moved; and Mr. Rhoads seconded the resolution and Both voted YEA.

Charity A Hutt
Charity A Hutt
Assistant Clerk/Secy.

Michael D. Rhoads YEA
Absent YEA
Michael D. Rhoads YEA
Board of Darke County Commissioners

IN THE MATTER OF RESOLUTION (R-231-2018) FUND ADVANCE DARKE CO. AIRPORT – 2017 FAA GRANT

WHEREAS, the DC Comm.'s/Airport is requesting that the following "Fund Advance" be completed: "to cover payment #1 & 2 of Sunesis Construction Contract, will advance back once revenue is received"; and

WE DO HEREBY RESOLVE, the following "Fund Advance" be approved as follows:

(General Fund to Outside Fund)

| | | |
|---------------|--------------------------------------|-----------------------------------|
| \$ 537,273.60 | From: #001-8070.590000 (Advance Out) | To: #459-8003.490000 (Advance In) |
|---------------|--------------------------------------|-----------------------------------|

Mr. Stegall moved; and Mr. Rhoades seconded the resolution and

Both voted YEA.

Michael W. Rhoades (YEA)
Absent YEA
Michael E. Stegall (YEA)
 Board of Darke County Commissioners

Charity A. Hutt
 Charity A. Hutt,
 Assistant Clerk/Secretary

PUBLIC ATTENDEES COMMENTS/QUESTIONS

**Susan Hartley w/Early Bird: Asked about the Courthouse front step project. Commissioners added that are Facility & Safety Manager, along with Maintenance Dept., fixed the steps temporarily so they could be used. Approximate repair cost of \$45.00.

**Susan Hartley w/Early Bird & Erik Martin w/Daily Advocate: Both questioned the "Application to Employ" Council from Mercer Co. for investigating an issue of Greenville PD. Why is that needed? The Commissioners felt that there could be a conflict of interest etc. with the County Prosecutor investigating Greenville PD, due to DC Sheriff & Greenville PD working together at times. Mr. Martin also asked if Resolution (R-231) was Grant money that the Co. Airport would be receiving? Commissioners advised that it was.

**DC Citizen Fred Dean: Asked about the \$1000.00 a day penalty that is charged of the Contractor for the DC Airport project since it was not completed by July 26th. Commissioners advised that those dollars come off of the construction project total.

MR. STEGALL MOVED TO ADJOURN AT 1:40 P.M.; SECONDED BY MR. RHOADES AND BOTH VOTED YEA.

ABSENT
Robin R. Blinn, Administrative Clerk/Secy.

Charity A. Hutt, Assistant Clerk/Secy.

MICHAEL W. RHOADES

ABSENT
MATTHEW W. AULTMAN

MICHAEL E. STEGALL,
Board of Darke Co. Commissioners

IN THE MATTER OF FURTHER DISCUSSION BY THE BOARD

**None