

**SEPTEMBER 9, 2021**

The Gallia County Board of Commissioners met on this date for the purpose of approving the minutes of the previous meeting and current transfers, appropriations and bills. At 9:00 a.m. the meeting was called to order by President Harold G. Montgomery. Roll Call: President Harold G. Montgomery, present; Vice President M. Eugene Greene, present; Commissioner Q. Jay Stapleton, present.

The President entertained a motion for approval of the September 2, 2021 minutes. M. Eugene Greene moved and Harold G. Montgomery seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea.

TRAVEL REQUESTS				
DEPARTMENT	NAME	DATE	TO	RE:
Econ Dev	Elisha Orsbon	9/14	Waverly, Ohio	Ohio SE Qtrly. Mtg

The President entertained a motion to approve travel requests as submitted. M. Eugene Greene moved and Q. Jay Stapleton seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea.

2021 Canine Shelter Weekly Report														
Week Ending	Came in	Adopted	Reclaimed	Euthanized	Out to Rescue	MIA	Died (Natural or unknown Causes)	Destroyed (in field)	Total Out	Remaining at shelter	Out to County Foster	In from County Foster	Died in Foster (Natural or Unknown Causes)	Total in Foster
9/5	4	1	2	0	0	0	0	0	3	17	2	0	0	4

**INDIGENT DEFENSE REIMBURSEMENT & RECOUPMENT**

County Administrator Melissa Clark presented the following Indigent Defense Reimbursement and Recoupment Policy. Pursuant to OAC120-1-05, counties shall adopt a policy to recoup all or part of the cost of counsel for persons who meet certain income guidelines and when such recoupments have not been waived by the Court in cases where undue burdens would be created by such recoupments. Input and feedback of the Indigent Defense Reimbursement and Recoupment Policy was sought from key stakeholders and partners including the Gallia County Court of Common Pleas, Gallipolis Municipal Court, Gallia County Probate-Juvenile Court, Auditors Office, Prosecutor Office, Clerk of Courts, and the Gallia County Defense Attorney Corporation. M. Eugene Greene moved and Q. Jay Stapleton seconded a motion to approve the following Resolution and Indigent Defense Fee/ Cost Recoupment Policy. Roll calls: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea.

**RESOLUTION****GALLIA COUNTY****INDIGENT DEFENSE FEE / COST RECOUPMENT POLICY**

Whereas, the Office of the Ohio Public Defender has by Rule OAC 120-1-03 adopted regulations for the appointment of counsel for the indigent; and,

Whereas, pursuant to this rule, the Board of County Commissioners needs to adopt a plan to recoup all or part of the cost of counsel for persons who meet certain income guidelines.

It is hereby resolved that:

The Courts of Gallia County shall make the appointment of counsel, either private assigned counsel or the County Public Defender, in accordance with the rules established by the Ohio Public Defender Commission and the State Public Defender to enable this county to receive reimbursement from the state for a part of the indigent defense costs.

The Courts of this county assigning indigent defense counsel shall, in accordance with OAC 120-1-03, order that a part of counsel fees be repaid to the County where appointment is made and the defendant falls into the income guidelines set forth in the rule (above 125 percent of the poverty threshold). In appropriate cases all counsel fees may be assessed unless it creates an undue burden.

Payments shall be made pursuant to the Gallia County Indigent Defense Fee/Cost Recoupment Policy, a copy of which is hereby attached to this resolution.

This resolution shall be effective for all cases with an appointment date as of the date of this resolution or later.

Board of County Commissioners:

*/s/ Harold G. Montgomery*

Harold G. Montgomery, President

*/s/ M. Eugene Greene*

M. Eugene Greene, Vice President

*/s/ Q. Jay Stapleton*

Q. Jay Stapleton, Commissioner

**Gallia County****Indigent Defense Fee/Cost Recoupment Policy**

1. The Court shall review each defendant's indigent status and determine if recovery of assigned counsel fees or public defender costs is appropriate. The Court may waive the fees if it is determined that the imposition of such would result in an undue hardship on the client.
2. The recoupment policy is in addition to the \$25.00 application fee contained in ORC 120.36.

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3. The Court shall order when the recoupment amount is due. However, no recoupment shall be assessed against an individual whose gross income is less than 125% of the Federal Poverty level. Enforcement may not include jail.
4. Persons shall pay according to the following schedule, determined by the highest degree of offense charged:
 

a) Felonies	\$100.00
b) Misdemeanors	\$50.00
c) Abuse/Dependency/ Neglect Cases	\$100.00
d) Other Juvenile Cases	\$50.00
e) Contempt/ Show Cause	\$50.00
f) Violation of Community Control- Felony	\$100.00
g) Violation of Community Control- Misdemeanor	\$50.00
5. Payments shall be remitted to the Clerk of Court in which the proceeding is heard. The Clerk shall transfer such recoupment amounts to the county treasurer, at least on a monthly basis. The auditor shall then transmit the appropriate amount to the Ohio State Public Defender. This amount is to be a separate line item from the application fee collections.

**TARA ESTATES SEWER REPLACEMENT PROJECT – OPWC RD 36 GRANT APPLICATION**

Grants Administrator Karen Sprague presented the Commission with an Ohio Public Works Commission Rd 36 Grant Application to request a \$470,000 grant for the Tara Estates Sewer Replacement project. The grant application notes the total project cost is \$600,000 with \$130,000 PY 2021 CDBG CD grant matching funds committed to the project. Ms. Sprague noted without 100% grant funding for this project the monthly user fee would increase between \$2.47 to \$6.66 per month depending on the total amount of loan funding. The current monthly user fee is \$56.

Harold Montgomery entertained a motion to approve the Ohio Public Works Commission Rd 36 Grant Application as presented. M. Eugene Greene made and Q. Jay Stapleton seconded the motion. Upon roll call votes were as follows: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea.

RESOLUTION No. N/A  
AUTHORIZING LEGISLATION

A RESOLUTION AUTHORIZING COMMISSIONER HAROLD MONTGOMERY TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND / OR LOAN TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, the Board of Gallia County Commissioners, Gallia County, Ohio is planning to make capital improvements to Tara Estates Sewer Replacement project, and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs,

NOW THEREFORE, BE IT RESOLVED by the Board of Gallia County Commissioners:

Section 1: That *Commissioner Harold Montgomery* is hereby authorized to apply to the OPWC for funds as described above.

Section 2: That *Commissioner Harold Montgomery* is authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

Passed: 9/9/2021

DATE

s/ Harold G. Montgomery

Commissioner Harold G. Montgomery

s/ M. Eugene Greene

Commissioner M. Eugene Greene

s/ Q. Jay Stapleton

Commissioner Q. Jay Stapleton

s/ Anette Brown

Anette Brown, Clerk of the Board

**GREEN TOWNSHIP SANITARY SEWER PHASE 2 PROJECT – OPWC RD 36 CREDIT ENHANCEMENT GRANT APPLICATION**

Grants Administrator Karen Sprague presented the Commission with an Ohio Public Works Commission Rd 36 Credit Enhancement Grant Application to request a \$149,000 credit enhancement grant for the Green Township Sanitary Sewer Phase 2 project. Ms. Sprague noted the OPWC credit enhancement grant is the only source of funding available to pay loan interest during construction. The grant application notes the total project cost is \$8,325,000 with committed project funding as follows:

- OWDA Loan \$462,000
- OWPC Loan \$650,000
- USDA/RD Loan \$2,500,000
- USDA/RD Grant \$3,664,000
- OPWC CE Grant \$149,000
- CDBG RPIG Grant \$650,000
- ARC Grant \$250,000

Ms. Sprague noted that even with 57% grant funding the monthly user rate will be \$62.50. Ms. Sprague also noted the original estimated project cost was \$5,560,000 with an estimated monthly user rate of \$48.33, however the county was not able to obtain OPWC grant funding for this project for 3 years in a row due to the county subcommittee rating being very low for OPWC Round 31, 32 & 33 grant applications. In order to not delay the project any further 100% loan funding was accepted by the county in Round 33. This delay in funding and construction start is now costing the residents in the project service area an additional \$14.17 per month.

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Harold Montgomery entertained a motion to approve the Ohio Public Works Commission Rd 36 Grant Application & authorizing resolution as presented. Q. Jay Stapleton made and M. Eugene Greene seconded the motion. Upon roll call votes were as follows: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea.

RESOLUTION No. N/A  
AUTHORIZING LEGISLATION

A RESOLUTION AUTHORIZING COMMISSIONER HAROLD MONTGOMERY TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND / OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, the Board of Gallia County Commissioners, Gallia County, Ohio is planning to make capital improvements to Green Township Sanitary Sewer Phase 2 project, and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs,

NOW THEREFORE, BE IT RESOLVED by the Board of Gallia County Commissioners:

Section 1: That *Commissioner Harold Montgomery* is hereby authorized to apply to the OPWC for funds as described above.

Section 2: That *Commissioner Harold Montgomery* is authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

Passed: 9/9/2021  
DATE

*s/ Harold G. Montgomery*

Commissioner Harold G. Montgomery

*s/ M. Eugene Greene*

Commissioner M. Eugene Greene

*s/ Q. Jay Stapleton*

Commissioner Q. Jay Stapleton

*s/ Anette Brown*

Anette Brown, Clerk of the Board

**EXECUTIVE SESSION – PERSONNEL**

At 9:33 a.m. the President entertained a motion to enter into executive session to consider the employment of a public employees. M. Eugene Greene moved and Q. Jay Stapleton seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea. Returned to regular session at 9:59 a.m.; no action taken.

**EXECUTIVE SESSION – PERSONNEL**

At 10:00 a.m. the President entertained a motion to enter into executive session with 911/EMA/LEPC Director Sherry Daines, to consider the employment of a public employees. M. Eugene Greene moved and Q. Jay Stapleton seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea. Returned to regular session at 10:06 a.m.; no action taken.

**EMPLOYEES - 911 – NEW HIRES**

The Gallia County Commissioners were in receipt of the following Part-Time Hires and Full-Time Request submitted by 911/EMA/LEPC Director Sherry Daines:

*September 8, 2021*

*Gallia County Commissioners*

*Harold Montgomery*

*Gene Greene*

*Jay Stapleton*

*Re: Hire Request*

*Dear Sirs:*

*Due to recent staffing issues at the Gallia County 911 Center, it is necessary for me to make additions to the part-time and full-time staff.*

*After conducting interviews and reviewing applicants for part-time, I would like to recommend the following individuals for intermittent part-time employment at the 911 Center:*

- *Malynda Johnson*
- *Makala Elberfeld*

*Upon your approval, both part-time employees would serve a one-year probationary period with an initial training period of ninety (90) days or less to determine eligibility to continue with the training program and/or actual dispatch work. Malynda Johnson's hire date would be September 11, 2021 and Makala Elberfeld's hire date would be September 12, 2021.*

*I would also like to recommend the following part-time employees be moved from part-time status to full-time:*

- *Charla Dempsey-Howe*
- *Amanda Durst*

*Upon your approval, both full-time employees would serve a one-year probationary period. Charla Dempsey-Howes hire date would be September 11, 2021 and Amanda Durst would have a hire date of September 12, 2021.*

*Please let me know if you have any questions.*

*Sincerely,*

*Sherry Daines*

*Sherry Daines, Director*

*Gallia County 911/EMA/LEPC*

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The President entertained a motion to approve the part-time hire based on the recommendation of Director Daines. M. Eugene Greene moved and Q. Jay Stapleton seconded the motion. Roll calls: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea.

The President entertained a motion to approve the move from part-time to full-time based on the recommendation of Director Daines. M. Eugene Greene moved and Q. Jay Stapleton seconded the motion. Roll calls: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea.

#### ENGINEER - OPWC

Gallia County Engineer, Brett Boothe and Assistant Engineer Kyle Mooney presented applications for approval for 2 OPWC projects. President Harold G. Montgomery noted they would review the application. No action taken.

#### RECORDS COMMISSION MEETING

President Harold G. Montgomery chaired the Record's Commission Meeting held in the Commissioner's office. The following were present: Commissioners Harold G. Montgomery, M. Eugene Greene, and Q. Jay Stapleton, Prosecutor Jason D. Holdren, Auditor representative Kevin Nicholas, Recorder Roger Walker and Clerk of Courts Noreen Saunders. Also, present Sheriff Matthew D. Champlin, Gallia County Engineer, Brett Boothe and Assistant Engineer Kyle Mooney. Recorder Roger Walker reviewed the submitted applications to the records commission; all were approved. Minutes are on file in the Commissioner's office.

#### EXECUTIVE SESSION

At 10:47 a.m. the President entertained a motion to enter into executive session with County Administrator Melissa Clark, Saunders Insurance, John and Scott Saunders, and CEBCO Justin Grant and Hannah McKee to discuss matters required to be kept confidential. M. Eugene Greene moved and Q. Jay Stapleton seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea. Returned to regular session at 11:09 a.m.; no action taken.

#### CEBCO 2022 HEALTH & WELLNESS PROGRAM

Saunders Insurance, John and Scott Saunders and CEBCO, Justin Grant and Hannah McKee gave an update for the Health Insurance renewal program. John Saunders noted there will be a zero % increase this year. Mr. Stapleton noted he had inquired with other counties in Ohio using CEBCO and had several questions on the different amounts of premiums and how to lower the cost. Mr. Montgomery asked if Gallia County had the highest premiums in Ohio and Mr. Grant stated Gallia County was not the highest. John Saunders and Mr. Grant noted they would do a comparison on the numbers of like counties with CEBCO and get back with them at a later date. Also in attendance: Prosecutor Jason D. Holdren; Sheriff Matthew D. Champlin; County Engineer, Brett Boothe and Assistant Engineer Kyle Mooney. No action taken.

#### DEFENSE OF THE INDIGENT

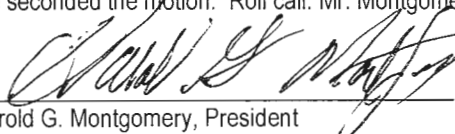
Common Pleas Judge Margrett Evans, Municipal Judge Eric Mulford, Magistrate Thomas Saunders, Deputy County Auditor Rosie Casey, County Administrator Melissa Clark met with the commissioners at their request to discuss the defense of the indigent reimbursement. Mr. Montgomery noted they wanted input on individual appointed council vs. current defense corporation, also noting they didn't want to create undo hardship to the Judges and the Auditor's office with appointed council. \* note Probate/Juvenile Judge Thomas Moulton was unable to attend. The Judges noted they would gather the information and get back with them. No action taken.

#### SEWER - BILLING

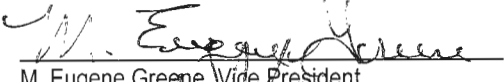
Sewer Billing Director Terri Walters notified the commission, Sewer Superintendent Tommy Dillon had confirmed vacancy on the Attar property and Mr. Attar had signed the agreement. Ms. Walters also discuss current requests to remove the operations and maintenance portion from the sewer billing. The Commissioners asked Ms. Walters to have Superintendent Dillon to confirm the property is vacant and after confirmation to prepare an agreement with the requesters then submit the agreement to them. No action taken.


#### ADJOURN

The President entertained a motion for adjournment at 4:00. Q. Jay Stapleton moved and M. Eugene Greene seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea.

  
Harold G. Montgomery, President

  
Anette L. Brown, Clerk

  
M. Eugene Greene, Vice President

  
Q. Jay Stapleton, Commissioner