

Moved by Mr. Uible, seconded by Mr. Proud

Recommendation that the Board of County Commissioners adopt Resolution Number 181-15 resolving to approve payment to vendors in the total amount of \$3,656,686.63 as set forth in the BCC Approval Invoice Report(s) For **Checks Dated December 17, 2015**, BCC Directed Pre-Paid Invoices Report(s), Vendor Invoice List Report(s), Items paid by Fund and Check Date Range report and/or Procurement Card Transaction Report presented by the County Auditor 12/16/2015, and further authorizing the County Auditor to issue warrants for same pursuant to Section 319.16 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Edwin H. Humphrey,	<u>Absent</u>
Robert L. Proud,	<u>Yea</u>
David H. Uible,	<u>Yes</u>

Date Adopted: December 17, 2015

Absent  
\_\_\_\_\_  
Edwin H. Humphrey, President  
Robert L. Proud  
\_\_\_\_\_  
Robert L. Proud, Vice-President  
DU  
\_\_\_\_\_  
David H. Uible, Member

RESOLUTION NO. 182-15

The Board of County Commissioners of Clermont County, Ohio, met in regular session on the 17<sup>th</sup> day of December, 2015, with the following members present:

Robert L. Proud, Vice President

David H. Uible, Member

Mr. Uible moved for the adoption of the following Resolution:

**RESOLUTION DECLARING  
CONSENT TO DUAL REPRESENTATION**

**WHEREAS** it is the duty of the Office of the Clermont County Prosecuting Attorney pursuant to Ohio Revised Code 309.09 to be the legal adviser of the board of county commissioners as well as the legal adviser for all township officers, boards, and commissions; and

**WHEREAS** the Board of County Commissioners of Clermont County, the Williamsburg Township Trustees, and Milacron, LLC anticipate becoming parties to an Ohio Enterprise Zone Agreement pursuant to which Milacron, LLC will be granted certain real property tax exemptions relating to a 28,000 (twenty-eight thousand) square foot building expansion by Milacron, LLC that will be located at 4165 Half Acre Road, Batavia, Ohio; and

**WHEREAS** the Clermont County Prosecutor has disclosed that a certain assistant prosecutor in his office intends to represent the Board of County Commissioners of Clermont County and a certain other assistant prosecutor in his office intends to represent the Williamsburg Township Trustees in all matters relating to the said Ohio Enterprise Zone Agreement; and

**WHEREAS** the Board of County Commissioners of Clermont County has been advised that the simultaneous representation by attorneys in the Clermont County Prosecutor's office creates a conflict of interest for the Prosecutor and those attorneys because the interests of the Board of County Commissioners of Clermont County and the interests of the Williamsburg Township Trustees are not the same and in fact may be adverse to one another.

**WHEREAS** the Board of County Commissioners of Clermont County have been advised that the simultaneous representation of the Board of County Commissioners of Clermont County and the Williamsburg Township Trustees by assistant prosecuting attorneys in the Clermont County Prosecutor's office may have an effect upon the attorney's independent judgment on behalf of each client; and

**WHEREAS** the Board of County Commissioners of Clermont County are aware that they are not required to have the Clermont County Prosecutor as their legal counsel and they may employ other legal counsel of their choice to represent them in the matters relating to the said Ohio Enterprise Zone Agreement; and

**WHEREAS** the Board of County Commissioners of Clermont County have had the opportunity to consult with legal counsel other than the Clermont County Prosecutor regarding the simultaneous representation of both the Board of County Commissioners of Clermont County and the Williamsburg Township Trustees by the assistant prosecutors in the Clermont County Prosecutor's office; and

**WHEREAS** the Board of County Commissioners of Clermont County are aware that in the event they consent to the dual representation by the assistant prosecutors in the Clermont County Prosecutor's office and there occurs at some future date a dispute between the Board of County Commissioners of Clermont County and the Williamsburg Township Trustees, the Clermont County Prosecutor and all assistant prosecutors in that office will be prohibited from representing either the Board of County Commissioners of Clermont County or the Williamsburg Township Trustees in that dispute.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Clermont County, Ohio with at least two-thirds of its members thereto concurring as follows:

#### **SECTION I**

That the Board of County Commissioners of Clermont County, being fully advised, does hereby consent to the dual representation of the Board of County Commissioners of Clermont County and the Board of Trustees of Williamsburg Township by the Clermont County Prosecutor and the assistant prosecutors in that office as it relates to the Ohio Enterprise Zone Agreement pursuant to which Milacron,

LLC seeks certain real property tax exemptions relating to a 28,000 (twenty-eight thousand) square foot building expansion by Milacron, LLC that would be located at 4165 Half Acre Road, Batavia, Ohio; and

**SECTION II**

That the Board of County Commissioners of Clermont County hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with all applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Mr. Proud seconded the Resolution and on roll the vote resulted as follows:

Mr. Humphrey	<u>Absent</u>
Mr. Proud	<u>Yea</u>
Mr. Uible	<u>Yes</u>

This Resolution was duly passed on the 17th day of December, 2015.

ATTEST  
Judith Kocica  
JUDITH KOCICA, CLERK  
Clermont County Board of  
Commissioners

This Resolution was prepared and approved as to form by the Office of Prosecuting Attorney of Clermont County, Ohio

By: Jason Fountain  
Jason Fountain  
Assistant Prosecuting Attorney

Date: 12/11/15

**RESOLUTION NUMBER** 183-15

The Board of County Commissioners of Clermont County, Ohio, met in regular session on the 17<sup>th</sup> day of December, 2015, with the following members present:

Robert L. Proud, Vice President

David H. Uible, Member

Mr. Uible moved for the adoption of the following Resolution:

**RESOLUTION SUPERSEDING RESOLUTION NUMBER 154-14 AND ALL EARLIER VERSIONS OF THE JOINT USE AGREEMENT WITH THE UNIVERSITY OF CINCINNATI FOR CAPITAL IMPROVEMENTS TO THE CLERMONT COUNTY AIRPORT AND APPROVING A NEW JOINT USE AGREEMENT.**

**WHEREAS**, the Board previously adopted Resolution Number 154-14 on October 27, 2014, authorizing the entry into a joint use agreement with the University of Cincinnati, as an instrumentality of the State of Ohio, for a \$500,000.00 capital appropriation from the State of Ohio to the University of Cincinnati for capital improvements to the Clermont County Airport; and

**WHEREAS**, the University of Cincinnati and the State of Ohio have requested changes in the joint use agreement which changes are acceptable to the Board; and

**WHEREAS**, Sporty's Academy, Inc., an Ohio corporation, has also agreed to enter into the joint use agreement as modified;

**NOW THEREFORE BE IT RESOLVED**, that the Clermont County Board of Commissioners authorizes its Vice President or his designee to enter into the Joint Use Agreement with the University of Cincinnati and Sporty's Academy, Inc. providing for the use and disbursement

of a capital appropriation in the amount of \$500,000.00 to help fund an extension to the runway at the Clermont County Airport. This shall supersede Resolution Number 154-14 and all prior versions of the joint use agreement.

**BE IT FURTHER RESOLVED**, that the Board of County Commissioners hereby finds and determines that all formal actions related to the passage of this Resolution were taken in an open meeting of the Board, and that all deliberations of this Board and its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with all applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Mr. Proud seconded the motion and on roll call, the vote resulted as follows:

Mr. Humphrey	<u>absent</u>
Mr. Proud	<u>yea</u>
Mr. Uible	<u>yes</u>

This Resolution was duly passed on the 17th day of November, 2015.

ATTEST:

Judith Kocica  
Judith Kocica, Clerk  
Board of County Commissioners  
Clermont County, Ohio

Date: November 17, 2015

APPROVED AS TO FORM:

Marshall McCachran  
Marshall McCachran, Assistant  
Prosecuting Attorney  
Clermont County, Ohio

Date: November 23, 2015