

Moved by Mr. Painter, seconded by Mr. Uible

Recommendation that the Board of County Commissioners adopt Resolution Number 017-18 resolving to approve payment to vendors in the total amount of \$1,034,535.33 as set forth in the BCC Approval Invoice Report(s) For Checks Dated February 7, 2018, 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 02/05/2018, 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>aye</u>
David L. Painter,	<u>YES</u>
David H. Uible,	<u>YES</u>

Date Adopted: February 7, 2018

Edwin H. Humphrey
Edwin H. Humphrey, President
David L. Painter
David L. Painter, Vice-President
David H. Uible
David H. Uible, Member

OR

Thomas J. Eigel, Interim County Administrator

RESOLUTION NO. 018-18

The Board of County Commissioners, Clermont County, Ohio, met in regular session on the 7th day of February 2018, with the following members present:

Edwin H. Humphrey, President

David L. Painter, Vice President

David H. Uible, Member

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

RESOLUTION AUTHORIZING PAYMENT OF LEGAL EXPENSES OF COMMISSIONER DAVID H. UIBLE AS IT RELATES TO THE CLAIMS AGAINST HIM IN HIS OFFICIAL CAPACITY FOR LITIGATION IDENTIFIED AS CHRISTOPHER HICKS VS. CLERMONT COUNTY BOARD OF COMMISSIONERS, ET AL.

WHEREAS, there is pending in the United States District Court, Southern District of Ohio, Western Division, litigation identified as Christopher Hicks vs. Clermont County Board of Commissioners, et al., Case No. 1:17-cv-00677 (“Lawsuit”), wherein Commissioner David H. Uible is identified as a defendant and referred to as David Uible; and

WHEREAS, for purposes of clarity, this resolution shall hereinafter refer to Commissioner David H. Uible as Commissioner David Uible.

WHEREAS, the Board of County Commissioners, through the authority of an Entry Authorizing Employment of Outside Legal Counsel, issued by the Clermont County Court of Common Pleas on January 18, 2017, has retained the law firm of Montgomery, Rennie & Jonson, LLP, 36 East Seventh Street, Suite 2100, Cincinnati, Ohio 45202 pursuant to R.C. §305.14 for legal representation of Commissioner David Uible as it relates to the claims against him in his official capacity in the Lawsuit; and

WHEREAS, the Lawsuit includes one claim against David Uible in his personal individual capacity; and

WHEREAS, the remaining claims against Commissioner David Uible in the Lawsuit are claims against him in his official capacity as Commissioner; and

WHEREAS, at the initiation of the Lawsuit, prior to him retaining legal counsel, and during the course of the litigation to date Commissioner David Uible requested that the Board Of County Commissioners provide legal counsel and pay the legal fees incurred for the legal representation of him in his official capacity; and

WHEREAS, the office of the Clermont County Prosecutor advised Commissioner David Uible that he must retain legal counsel to defend him on the claim against him in his personal individual capacity; and

WHEREAS, legal procedures issues, including the obligation to answer or otherwise defend the claims against him in the Lawsuit within twenty-eight (28) days of service required Commissioner David Uible to retain legal counsel to present his defense; and

WHEREAS, to date no legal fees have been paid for legal representation to defend Commissioner David Uible on those claims relating to him in his official capacity; and

WHEREAS, the Clermont County Prosecutor has been researching the issue of the payment of legal fees wherein there are both claims against a Commissioner in his official capacity and in his personal individual capacity; and

WHEREAS, the office of the Clermont County Prosecutor has advised that the legal fees incurred for the defense of the claims against Commissioner David Uible in his official capacity should be paid by the County; and

WHEREAS, the office of the Clermont County Prosecutor has advised that the legal fees incurred for the defense of the claim against Commissioner David Uible in his individual capacity should not be paid by the County.

NOW, THEREFORE, BE IT FURTHER 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 hereby determines that it is appropriate for them to pay the legal expenses incurred by Commissioner David Uible for defense of the claims against him in his official capacity included in the Lawsuit.

SECTION II

That the Board of County Commissioners hereby determines that the legal fees related to the defense of the claims against Commissioner David Uible in his official capacity shall be paid by the County to the law firm of Montgomery, Rennie & Jonson, LLP, including those legal fees incurred from the first day of representation by Montgomery, Rennie & Jonson, LLP.

SECTION III

That the Board of County Commissioners hereby determines that legal fees related to the defense of the claims against Commissioner Uible in his individual capacity shall not be paid by the County.

SECTION IV

That the Board of County Commissioners 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. Humphrey seconded the motion and on roll call, the vote resulted as follows:

Mr. Humphrey	<u>Aye</u>
Mr. Painter	<u>Yes</u>
Mr. Uible	<u>Abstain</u>

This Resolution was duly passed on the 7th day of February, 2018.

ATTEST:

Judith A. Kocica
Judith A. Kocica, Clerk of the
Board of County Commissioners

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

By: [Signature]
Assistant Prosecuting Attorney

Date: 1-30-2018