

Moved by Mr. Painter, seconded by Mr. Uible,

Recommendation that the Board of County Commissioners adopt Resolution Number 097-18 resolving to approve payment to vendors in the revised total amount of \$898,619.53 as set forth in the BCC Approval Invoice Reports For Checks Dated May 2, 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 04/30/2018, 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>AYC</u>
David L. Painter,	<u>YES</u>
David H. Uible,	<u>YES</u>

Date Adopted: May 2, 2018

[Signature]
Edwin H. Humphrey, President

[Signature]
David L. Painter, Vice-President

[Signature]
David H. Uible, Member

OR

Thomas J. Eigel, County Administrator

Moved by Mr. Uible, seconded by Mr. Humphrey

Recommendation that the Board of County Commissioners adopt Resolution Number 054-18 resolving to approve payment to vendors included on the BCC Approval Invoice Report For Checks Dated May 2, 2018 presented by the County Auditor 04/30/2018 as reflected on the Vendor Excerpt Report prepared by OMB, in the amount of \$18.00 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>Abstain</u>
David H. Uible,	<u>YES</u>

Date Adopted: May 2, 2018

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

OR

Thomas J. Elgel, County Administrator

RESOLUTION NO. 055-18

The Board of County Commissioners, Clermont County, Ohio, met in regular session on the 2nd day of May 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 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 Goshen Township Board of Trustees, Bryan Equipment Sales, Inc. and FDR 28 Properties, LLC anticipate becoming parties to an Ohio Enterprise Zone Agreement pursuant to which Bryan Equipment Sales, Inc. and FDR 28 Properties, LLC will be granted certain real property tax exemptions relating to the construction of a 170,000 (one hundred seventy thousand) square foot warehouse facility that will be located at 1439 State Route 28 in Goshen, 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 Goshen Township Board of 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 could create 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 Goshen Township Board of Trustees are not the same and in fact may be adverse to one another.

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

WHEREAS, the Board of County Commissioners of Clermont County is aware that it is not required to have the Clermont County Prosecutor as its legal counsel and it may employ other legal counsel of its choice to represent the Board in matters relating to the said Ohio Enterprise Zone Agreement; and

WHEREAS, the Board of County Commissioners of Clermont County has 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 Goshen Township Board of Trustees by the assistant prosecutors in the Clermont County Prosecutor's office; and

WHEREAS, the Board of County Commissioners of Clermont County is aware that in the event it consents 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 Goshen Township Board of 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 Goshen Township Board of 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 Goshen 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 Bryan Equipment Sales, Inc. and FDR 28 Properties, LLC seek certain real property tax exemptions relating to the construction of a 170,000 (one hundred seventy thousand) square foot warehouse facility that will be located at 1439 State Route 28 in Goshen, 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. Uible seconded the motion and on roll call, the vote resulted as follows:

Mr. Humphrey

Mr. Painter

Mr. Uible

aye
yes
yes

This Resolution was duly passed on the 2nd day of May, 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: Jason A. Fountain
Jason A. Fountain
Assistant Prosecuting Attorney

Date: 4/20/18