

Moved by Mr. uible, seconded by Mr. Painter

Recommendation that the Board of County Commissioners adopt Resolution Number 179-18 resolving to approve payment to vendors in the total amount of \$835,427.15 as set forth in the BCC Approval Invoice Report(s) For Checks Dated November 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 11/05/2018, 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: November 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, County Administrator

7th The Board of County Commissioners of Clermont County, Ohio, met in Regular Session on the day of November, 2018, at its regular place of meeting, with the following members present:

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

Mr. Painter introduced the following Resolution and moved its passage:

RESOLUTION NUMBER 180 -18

RESOLUTION DETERMINING TO PROCEED WITH THE CONSTRUCTION, OPERATION AND MAINTENANCE OF PROJECT NUMBER 6401-60149 IDENTIFIED AS THE TAYLOR AVENUE WATER PETITION PROJECT LOCATED WITHIN STONELICK TOWNSHIP, AS MORE FULLY DESCRIBED IN THE ATTACHED EXHIBITS "A" AND "B", WITHIN THE COUNTY WATERWORKS SYSTEM WITHIN THE CLERMONT COUNTY WATER RESOURCES DEPARTMENT, CLERMONT COUNTY, OHIO

WHEREAS, the Board of County Commissioners has heretofore established the County Waterworks System within the Clermont County Water Resources Department, in Clermont County, Ohio, by consolidating previously existing districts; and

WHEREAS, the Board of County Commissioners, based upon receipt of a petition for water service from eight (8) property owners along Taylor Avenue in Stonelick Township representing eight (8) properties, adopted Resolution Number 61-17 on May 10, 2017, approving the revised General Plans of the County Waterworks System to include the Taylor Avenue Water Petition Project, identified as Project Number 6401-60149 (hereinafter called the Project); on August 8, 2018, accepted, approved and ratified detailed plans, specifications, estimates of cost and financing, and tentative assessments by Resolution Number 130-18 and declared the necessity to construct the Project by adopting Resolution Number 131-18; and held a Public Hearing relative thereto on September 26, 2018, at the Office of the Board of County Commissioners; and

WHEREAS, since no objections were made at the Public Hearing or submitted in writing within five (5) days thereafter and based on the majority of support through the petition process of the eight (8) property owners to be assessed for the Project, consisting of six (6) property owners in support of the Project, one (1) property owner is opposed to the Project, and one (1) property owner has been non-responsive throughout the process, the Director of Utilities/Sanitary Engineer is recommending that the Board of County Commissioners of Clermont County, Ohio, determine to proceed with the Project as presented at the Public Hearing and in the Resolution Declaring the Necessity; and

WHEREAS, all the property owners within the project area were notified in writing advising them of the approximate date this Resolution determining to proceed would be considered by the Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Clermont County, Ohio, with its members concurring as follows:

SECTION 1. That the detailed plans and specifications, estimates of cost and financing, and tentative assessment roll for the Project, as described in Exhibits "A" and "B", attached hereto and made a part hereof, in said County, are hereby approved, ratified and confirmed.

100-0010-81

SECTION 2. That it is hereby determined to proceed with the Project, in accordance with the detailed plans and specifications, estimates of cost and financing, as identified in Exhibit "A", and tentative assessment roll, as identified in Exhibit "B", as herein ratified and confirmed, and to provide for the receipt of bids for the Project pursuant to public advertisement therefore in the manner prescribed by law. As provided in Section 6103.07 of the Ohio Revised Code, no further action in connection with this Project shall be taken until ten (10) days have elapsed from the date of passage of this Resolution.

SECTION 3. That the entire cost of constructing said Project, including construction costs, engineering fees, legal and administrative fees, and all necessary and incidental expenses in connection therewith, is currently estimated at \$105,576.00, and shall be paid from the following sources:

- A. The levy and collection of special assessments against benefited property abutting on the water main extension or the right-of-way in which it is constructed currently estimated at \$93,176.00, as set out in Exhibit "B" and/or the proceeds of general obligation bonds and/or certificates of indebtedness (notes) in anticipation thereof, pursuant to and in compliance with Chapters 6103 and 133 of the Ohio Revised Code, and payable from the special assessments certified for collection to the real estate tax bill, computed as follows:
1. Basic Benefit Assessment of an amount per benefited parcel calculated based upon 100% of the assessable project costs at \$8,750.00, as identified in Exhibit "B", with the total assessable project cost currently estimated at \$70,000.00; and
 2. A supplemental unit Improvement Benefit Assessment based on current 3/4" meter and installation costs at \$927.00 per connected improved or unimproved property, representing eight (8) properties, for a total amount of \$7,416.00 and a water system capacity charge currently at \$1,970.00 per single family residential unit connected to the County Waterworks System, representing eight (8) improved property parcels, for a total amount of \$15,760.00. The total estimated Improvement Benefit Assessment for said Project is currently estimated at \$23,176.00. The Improvement Benefit Assessment is at the option of the property owners desiring to have these costs incorporated herein. A charge at least equal to said supplemental Improvement Benefit Assessment costs shall be paid, in addition to other fees and expenses, at the time unimproved abutting property is improved and makes connection to the County Waterworks System or at the time a property is connected that has not immediately connected and has not desired these costs to be incorporated herein.
- B. A contribution of the Clermont County Water Resources Department's County Waterworks System Capital Improvement Fund in the estimated amount of \$12,400.00 representing engineering performance and 100% of legal, administrative, and miscellaneous fees.

SECTION 4. That this 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 of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5. That a copy of this Resolution be certified to (a) the County Auditor of Clermont County, Ohio, within fifteen (15) days after passage hereof, as provided in Section 319.61 of the Ohio Revised Code, (b) the Clermont County Water Resources Department, and (c) to Locke Lord, LLP.

The motion was seconded by Mr. Uible and, upon call of the roll, the vote was as follows:

Mr. Humphrey aye;

Mr. Painter yes;

Mr. Uible yes.

PASSED: November 7, 2018.

ATTEST:

Judith Kocica

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

APPROVED BY
LOCKE LORD, LLP

By: Todd L. Cooper
Todd L. Cooper

Dated: 10-16-18

CERTIFICATE

The undersigned, Clerk of the Board of County Commissioners of Clermont County, Ohio, hereby certifies that the foregoing is a true and correct copy of Resolution Number 180-18 adopted by the Board of County Commissioners of Clermont County, Ohio, on November 7, 2018, and that a copy thereof was certified to the County Auditor, the Clermont County Water Resources Department, and to Locke Lord, LLP.

Judith Kocica

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

RECEIPT

The County Auditor of Clermont County, Ohio, hereby acknowledges receipt of the foregoing Resolution Number 180-18 Determining to Proceed, certified and passed November 7th, 2018, by the Board of County Commissioners of said County.

Date: Nov 13, 2018

Linda L. Fraley

Linda L. Fraley, County Auditor

EXHIBIT "A"

Resolution No. _____

Adopted _____, 2018

TAYLOR AVENUE WATER PETITION PROJECT
PROJECT NUMBER 6401-60149
STONELICK TOWNSHIP

This project consists of the construction of approximately 611 linear feet of 6" ductile iron water main and appurtenances along Taylor Avenue located in Stonelick Township, beginning at the intersection of Stonelick-Williams Corner Road and Taylor Avenue and extending northwestwardly along Taylor Avenue.

Estimated Annual Operation & Maintenance Cost.....\$ 175.00 per yr.

Estimated Project Cost.....\$ 82,400.00

Source of Funds: Waterworks System Capital Improvement Fund and collection of Special Assessment of benefited properties in the form of a Basic Benefit Assessment and/or Improvement Assessment (cash payment or certification to tax bill) or General Obligation Bonds or Notes issued in anticipation thereof.

Waterworks System Contribution.....\$ 12,400.00
(Consists of engineering performance, 100% of legal, admin. & misc. fees)

Basic Benefit Assessment\$ 70,000.00
(Consists of the remaining project costs after deducting Waterworks System contribution- includes construction, restoration, bond discount, and contingencies)

Estimated Project Cost Total.....\$ 82,400.00

Improvement Benefit Assessment (at owner's option).....\$ 7,416.00
(8 Improved PIN's @ \$927.00* ea. for 3/4" Meter & Installation)

Improvement Benefit Assessment (at owner's option).....\$ 15,760.00
(8 Improved PIN's @ \$1,970.00* ea.-System Capacity Charge)

Total Costs.....\$105,576.00

**The fees listed are CURRENT fees as of this date and are subject to change without notice. IF, at the time of Permit Application, the fees have increased/decreased, the property owner will be required to pay the fees that are in place at the time of Permit Application.*

RESOLUTION NO. 181-18

The Board of County Commissioners of Clermont County, Ohio, met in regular session on the 17th day of November, 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 for the Clermont County Sheriff, all non-home rule township officers, boards, and commissions as well as the legal adviser for Clermont County Board of County Commissioners; and

WHEREAS, pursuant to Ohio Revised Code §5709.61 et seq., the Clermont County Sheriff, the Franklin Township Board of Trustees and the Clermont County Board of County Commissioners anticipate becoming parties to a contract for the Clermont County Sheriff to provide law enforcement services in Franklin, Township; and

WHEREAS, the Clermont County Prosecutor has disclosed that as it relates to the contract for law enforcement services a certain assistant prosecutor in his office would represent the Clermont County Sheriff, a certain other assistant prosecutor in his office would represent the Franklin Township Board of Trustees and a certain other assistant prosecutor in his office would represent the Clermont County Board of County Commissioners in all matters relating to said contract; and

WHEREAS, the Clermont County Board of County Commissioners has been advised that the simultaneous representation of the Clermont County Sheriff, the Franklin Township Board of Trustees and the Clermont County Board of County Commissioners 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 Clermont County Sheriff, the Franklin Township Board of Trustees and the interests of the Clermont County Board of County Commissioners are not the same and have the potential to be adverse to one another; and

WHEREAS, the Clermont County Board of County Commissioners has been advised that the simultaneous representation of the Clermont County Board of County Commissioners, the Franklin Township Board of Trustees and the Clermont County Sheriff by 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 Clermont County Board of County Commissioners 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 of Commissioners in matters relating to a contract for law enforcement services; and

WHEREAS, the Clermont County Board of County Commissioners has had the opportunity to consult with legal counsel other than the Clermont County Prosecutor regarding the Prosecutor's simultaneous representation of the Clermont County Sheriff, the Franklin Township Board of Trustees and the Clermont County Board of County Commissioners; and

WHEREAS, the Clermont County Board of County Commissioners 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 Clermont County Sheriff, the Franklin Township Board of Trustees and the Clermont County Board of County Commissioners, the Clermont County Prosecutor and all assistant prosecutors in that office will be prohibited from representing the Clermont County Sheriff, the Franklin Township Board of Trustees or the Clermont County Board of County Commissioners in that dispute;

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

SECTION I

That the Board of County Commissioners, being fully advised, does hereby consent to the dual representation of the Clermont County Sheriff, the Franklin Township Board of Trustees and the Clermont County Board of County Commissioners by the Clermont County Prosecutor and the assistant prosecutors in that office as it relates to a contract for the Clermont County Sheriff to provide law enforcement services in Franklin Township; and

SECTION II

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

Mr. Humphrey Aye

Mr. Painter Yes

Mr. Uible Yes

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

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: Allan L. Edwards
Allan L. Edwards,
Assistant Prosecuting Attorney
Date: 11-5-18