



**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

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***TOM ARISS
PAT ARNOLD SOUTH
DAVID G. YOUNG***

**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

MINUTES: Regular Session – October 21, 2014

The Board met in regular session pursuant to adjournment of the October 14, 2014, meeting.

Pat Arnold South - present

Tom Ariss - present

David G. Young - present

Tina Osborne, Clerk - present

- 14-1611 A resolution was adopted to accept Resignation of Anne Juergens, Business Manager, within the Warren County Job and Family Services Department, Children Services Division, effective October 24, 2014. Vote: Unanimous
- 14-1612 A resolution was adopted to set Public Hearing to consider Variance and Appeal of conditions required for an Access Permit of CT Devco, Inc. (Applicant), Bayer Becker, Agent, in Deerfield Township. Vote: Unanimous
- 14-1613 A resolution was adopted to declare various items within Commissioners Office, Drug Task Force, Emergency Services, Engineer's Office, Juvenile, Office of Management and Budget, Sewer Department, Sheriff's Office and Telecom as surplus and authorize the disposal of said items. Vote: Unanimous
- 14-1614 A resolution was adopted to authorize Publication of Notice of Intent to request release of Funds relative to the Fiscal Year 2014 Community Development Block Grant Entitlement Program. Vote: Unanimous
- 14-1615 A resolution was adopted to approve and authorize Tammy Whitaker, Employee Benefits/Safety Officer to provide / accept the terms and conditions of the Engagement Letter provided by Graydon Head & Ritchey LLP relative to the update of the Warren County HIPPA Policy. Vote: Unanimous

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- 14-1616 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 14-1617 A resolution was adopted to acknowledge payment of Bills. Vote: Unanimous
- 14-1618 A resolution was adopted to approve Bond Release for B & K Enterprises Silver Lake LLC for completion of improvements in Silver Lake Section 3 situated in Clearcreek Township. Vote: Unanimous
- 14-1619 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance Security Agreement Release for VWC Holdings, Ltd for the Villages of Winding Creek, the Boulevards at Winding Creek, Section Three, situated in Clearcreek Township. Vote: Unanimous
- 14-1620 A resolution was adopted to approve Bond Release for VWC Holdings, Ltd for completion of improvements in the Villages of Winding Creek, the Boulevards at Winding Creek, Section 1, situated in Clearcreek Township. Vote: Unanimous
- 14-1621 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance security Agreement Release for VWC Holdings, Ltd for the Villages of Winding Creek, the Boulevards of Winding Creek, Section One, situated in Clearcreek Township. Vote: Unanimous
- 14-1622 A resolution was adopted to approve a Street and Appurtenances (including sidewalks) Bond Release for VWC Holdings, Ltd., for completion of improvements in the Villages of Winding Creek, the Boulevards at Winding Creek, Section One, situated in Clearcreek Township. Vote: Unanimous
- 14-1623 A resolution was adopted to approve Crooked Tree Drive, Stone Creek Blvd, South Branch Road, Brooks Bend Court and Linden Brook Drive in the Villages of Winding Creek, the Boulevards at Winding Creek, Section One for public maintenance by Clearcreek Township. Vote: Unanimous
- 14-1624 A resolution was adopted to approve a Sidewalk Bond Release for John Henry Homes, Inc for completion of improvements in Saddlebrook, Section 4 situated in Hamilton Township. Vote: Unanimous
- 14-1625 A resolution was adopted to approve a Street and Appurtenances Bond Release for John Henry Homes, Inc for completion of improvements in Saddlebrook, Section 4 situated in Hamilton Township. Vote: Unanimous
- 14-1626 A resolution was adopted to approve Appaloosa Circle, Fritz Drive and Shetland Court in Saddlebrook Court in Saddlebrook, Section 4 for public maintenance by Hamilton Township. Vote: Unanimous

- 14-1627 A resolution was adopted to approve the following Record Plats.
Vote: Unanimous
- 14-1628 A resolution was adopted to approve Supplemental Appropriation into Human Services Fund #203. Vote: Unanimous
- 14-1629 A resolution was adopted to approve Supplemental Appropriation into Health Insurance Fund #632. Vote: Unanimous
- 14-1630 A resolution was adopted to approve Appropriation Adjustments from Commissioners' General Fund #101-1110 into Juvenile Court Fund #101-1240.
Vote: Unanimous
- 14-1631 A resolution was adopted to approve Appropriation Adjustment from Commissioners General Fund #101-1110 into Detention – Sheriff's Fund #101-2210. Vote: Unanimous
- 14-1632 A resolution was adopted to approve Appropriation Adjustments within Prosecutor Fund #101-1150 and #255. Vote: Unanimous
- 14-1633 A resolution was adopted to approve Appropriation Adjustments within the Clerk of Court of Common Pleas General Fund #101-1260 and the Clerk of County Court General Fund #101-1282. Vote: Unanimous
- 14-1634 A resolution was adopted to approve Appropriation Adjustments within Common Pleas Court Fund #101-1220. Vote: Unanimous
- 14-1635 A resolution was adopted to approve Appropriation Adjustments within Warren County Court Fund #253. Vote: Unanimous
- 14-1636 A resolution was adopted to approve Appropriation Adjustments within Children Services Fund #273, Building and Zoning Inspection Fund #101-2300, Tax Map Fund #101-1750, and Treasurer's Office Fund #249. Vote: Unanimous
- 14-1637 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 14-1638 A resolution was adopted to approve Appropriation Adjustments within Commissioners Fund #101-1110. Vote: Unanimous
- 14-1639 A resolution was adopted to approve Supplemental Appropriations into Community Corrections Grant Fund #289 Common Pleas Court ISP/DIV/ILC/PSI Grant Fund #289 Common Pleas Court Probation Improvements & Incentive Fund #289. Vote: Unanimous

14-1640 A resolution was adopted to approve and authorize President of the Board to Grant an Easement with Duke Energy Ohio, Inc. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, the Board accepted and approved the consent agenda.

Chris Combs, Safe Families for Children Cincinnati, was present along with representatives from Warren County Juvenile Court, Warren County Children Services and Warren County Human Services, to provide an update on what has been done with the funding provided in 2012 through the Warren County Family and Children First Council.

Mr. Combs reviewed the purpose of Safe Families which is to expand the community safety net by providing parents in crises with mentoring and support. He stated that volunteer families, solely by compassion and without compensation, open their homes to children allowing parents to work out their problems without the worry of losing parental custody.

Mr. Combs then stated that with the funds provided by Warren County in 2012, they have hiring a part-time coordinator which has allowed 650 child hosted days in Warren County with all of the children except one remaining in the same school district.

Mr. Combs introduced Kevin and Payton Nona, a host family within the Kings School District, who shared their experience of hosting a young child.

Anne Jeurgens, Children Services, stated that their agency has now made this option part of their Alternative Response Unit to let parents know this program is available to them.

Tony Brigano, Warren County Juvenile Court, stated his opinion that this program is working.

There was discussion relative to the need to focus on finding host families in the Franklin area of Warren County due to the tremendous increase in the use of heroin.

Mr. Combs requested the Board continue the funding through the Family and Children First Council with a suggested donation of 1% of the Children Services Budget or \$50,000 but stated they would be grateful for any amount the Board determines to provide.

Commissioner Young reviewed that the Board provided \$10,000 in 2012 and suggested a possible amount of \$25,000 for 2015.

Upon discussion, the Board determined to consider the request for funding during the 2015 budget process.

Lauren Cavanaugh, Human Services Director, was present to inform the Board that Warren County has been chosen as one of five pilot counties to be offered the new computer system through the State of Ohio.

Mrs. Cavanaugh stated that the program will be overseen by the US Department of Agriculture and will be closely monitored to prevent any gap in benefits. She then stated that the old CRISE program would be used in conjunction with the new program and the new program is scheduled to go "live" on June 1 and supposed to interface with the Child Support Enforcement Agency. She also stated that the pilot program included much needed document imaging in an attempt to convert from a paper file system to electronic.

Jennifer Burnside, Common Pleas Court Administrator, was present along with Larry Sims, Warren County Sheriff, for a work session to discuss the request of Rupert Ruppert, Franklin Municipal Court Judge's request for the Board to consider funding the cost of electronic monitoring for indigent inmates that qualify for release that cannot afford the cost.

Mrs. Burnside presented the attached cost analysis from their analysis of the Community Corrections records and stated that 84% of the clients on the electronic monitoring are "self-pay".

Mike Steel, Community Corrections, informed the Board that Franklin Municipal Court is the only court that does not pay for its indigent inmates.

Mrs. Burnside stated that the findings that over the course of a year, 16 indigent clients from Franklin Municipal Court could be diverted onto electronic monitoring for supervision to free up jail bed space at a cost of approximately \$99,000.

There was discussion relative to the concern that one court is not paying for their indigent clients like the other two courts are.

There was discussion relative to the need for accountability relative to the cost to replace damaged equipment. Mr. Steel stated that each bracelet cost is approximately \$1700 and they have had clients destroy the equipment with little or no consequences.

There was discussion relative to the need for uniform criteria to determine indigency as well as a policy that is consistent within all three municipal courts relative to paying for their clients.

Upon discussion, the Board requested the Community Corrections Board to meet with representatives from Franklin, Sheriff, Community Corrections and the Prosecutor relative to the equipment accountability discussion and also the uniform policy of indigency.

Jerry Spurling, Chief Building Official, was present for a work session to discuss the waiver of fees for the numerous projects proposed within the Lebanon City Schools.

Mr. Spurling stated his concern relative to the amount of hours of plan review and inspections that will be involved with the new construction of schools and the renovations proposed by the Lebanon City Schools. He then suggested the Board consider a policy of only waiving half of the fees when a project is more than 5000 square feet.

The Board stated they have no problem implementing the suggested policy for all future requests from political jurisdictions.

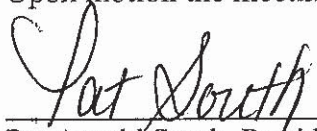
Chris Brausch, Sanitary Engineer, was present for a work session and discussed the following matters:

1. Letter from Joseph Trauth request sanitary sewers for property owners along Zoar Road in Hamilton Township—The Board stated they have already discussed this request at length with the property owners and unless there is a change in circumstances, the Board does not feel it is appropriate to change the boundaries of the Lower Little Miami Wastewater Treatment Plant. The Board requested Bruce McGary, Assistant Prosecutor, to reply to Mr. Trauth's request.
2. Damage to Drake property in Franklin Township due to waterline break—Ms. Solinski informed the Board that the homeowners have damage to their property due to a waterline break. She stated our insurance has denied the claim and only flood insurance would allow the homeowners insurance to approve a claim and they are not within the flood plain and therefore cannot purchase flood insurance. Upon discussion, the Board determined to follow the sewer backup policy and reimburse the homeowners a maximum of \$2500.
3. Duke Energy Easement for Shelly Booster Pump Station for construction of a new transformer—Mr. Brausch informed the Board of the need to grant an easement to Duke Energy for the construction of a new transformer.

4. Fields Ertel Road Waterline Replacement—Due to the aging line and corrosive soils along Fields Ertel Road, there has been numerous waterline breaks over the past few years with an increase of six this year. Mr. Brausch stated he had this project on the OPWC capital improvement plan in coordination with the County Engineer but is recommending moving forward without the OPWC funding due to the urgent need for correction. Upon discussion, the Board stated their approval to proceed with the project without OPWC funding.
5. Proposed 2015 Emergency Interconnect with Western Water for Village of Harveysburg Service Area—Mr. Brausch informed the Board of a need for a back up feed for the Village of Harveysburg. He stated the ability to interconnect with Western Water which would require the construction of a 6” plastic water line for approximately two miles. The Board stated their agreement to proceed with the project.

On motion, upon unanimous call of the roll, the Board entered into executive session at 11:20 a.m. to discuss acquisition of property pursuant to Ohio Revised Code Section 121.22 (G) (2) and imminent litigation with the Assistant Prosecutor pursuant to Ohio Revised Code Section 121.22 (G)(3) and exited at 1:45 p.m.

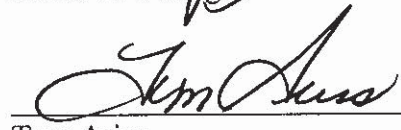
Upon motion the meeting was adjourned.



Pat Arnold South, President

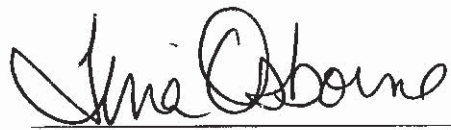


David G. Young



Tom Ariss

I hereby certify that the foregoing is a true and correct copy of the minutes of the meeting of the Board of County Commissioners held on October 21, 2014, in compliance with Section 121.22 O.R.C.



Tina Osborne, Clerk
Board of County Commissioners
Warren County, Ohio

Judge James L. Flannery
Judge Donald E. Oda, II
Judge Robert W. Peeler

**WARREN COUNTY
COMMON PLEAS COURT**

500 Justice Drive
Lebanon, Ohio 45036
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Jennifer Burnside,
Court Administrator

October 13, 2014

Warren County BOCC
406 Justice Drive
Lebanon, OH 45036

Dear Commissioners:

The Warren County Common Pleas Court was requested by the Board of County Commissioners to put together a proposal based upon Franklin Municipal Court, Judge Ruppert's, request for additional funding for indigent clients. The purpose of this proposal is to free up jail space by increasing the use of electronic monitoring for indigent clients.

Cost Analysis – Electronic Monitoring

	FY2013	FY2014
Daily cost for EM	\$8.98	\$10.93
Jail daily cost	\$72.80	\$72.80
Number of clients	1024	1046
Days of service	54,888 days	59,176 days
Jail days diverted savings costs	\$3,276,089.50	\$3,661,103.37

- Electronic Monitoring estimated at \$10.93 a day compared to local jail incarceration of \$72.80 saves the County an estimated \$61.87 a day per diverted client.

Middletown
Phone: (513) 261-1570
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Cincinnati
Phone: (513) 925-1570
Fax: (513) 925-2315

Dayton
Phone: (937) 425-1570
Fax: (937) 425-2315

Southeast
Warren County
Phone: (937) 783-4993

- At the estimated expense of \$12,375.00 - twenty five “Indigent” clients could be diverted onto electronic monitoring for supervision freeing up needed jail bed space.
 - Over the course of a year, 16 “Indigent” clients per month could be diverted onto electronic monitoring supervision for an average of forty five days, at a cost to the County of \$99,000.00.

Recommendation

We are recommending additional appropriation be added to Fund 262, which is the Community Corrections Monitoring (home incarceration) fund. This fund is utilized to pay our monitoring companies for monitoring services and equipment. If deemed necessary, a sub-fund could be established within Fund 262 to provide accurate statistical data on the amount of additional clients served and cost savings due to the number of clients diverted from the jail. The additional appropriation would be applicable to all clients meeting the requirement of “Indigent” status, who are referred onto electronic monitoring supervision by the Common Pleas, Area Municipal, and County Courts.

- Referred “Indigent” clients would need to meet requirements, such as unemployed, bond, court appointed counsel, costs & fines waived, to be eligible for the requested additional funding.
- Common Pleas, Area Municipal, and County Courts would continue referring those clients using the current standard of practice on clients referrals, being client self-pay or court pay utilizing grant/funding sources (IDAM, IDAT, PIIG, ISP, ILC, Diversion).

For purposes of this proposal, the following definition of Indigency is referenced:

120.05 Determination of Indigency

(A) The determination of indigency shall be made by the state public defender, subject to review by the court. This section does not apply in relation to sections 120.51 to 120.55 of the Revised Code.

(B) The state public defender shall investigate the financial status of each person to be represented, at the earliest time the circumstances permit, and may require the person represented to disclose the records of public or private income sources and property, otherwise confidential, which may be of aid in determining indigency. The state public defender may obtain information from any public record contained in any office of the state, or any political subdivision or agency thereof, on request without payment of any fees ordinarily required by law. He shall make the results of the investigation available to the court upon request. The court, before whom a person seeking representation is taken, may determine the person's eligibility for legal representation by the state public defender.

(C) If a determination of eligibility cannot be made before the time when the first services are to be rendered by the state public defender, he shall render such services on a provisional basis. If the state public defender, or the court on review, subsequently determines that the person receiving the services is ineligible, the public defender shall notify the person of the termination of his services.

(D) Where the person represented has, or may reasonably be expected to have, the means to meet some part of the cost of the services rendered to him, he shall reimburse the state public defender in an amount which he can reasonably be expected to pay.

(E) If it is determined by the state public defender, or by the court, that the legal representation was provided to a person not entitled thereto, the person may be required to reimburse the public defender for the costs of the representation provided. Any action filed by the state public defender to collect legal fees hereunder, must be brought within two years from the last date legal representation was provided.

“Should the need arise where a client does not meet the criteria of the grant requiring placement at no cost to them, then under the current MOU agreements we have with the municipal courts it is the court/dept. responsibility in paying for the service when billed as being Court Pay.”

Sincerely,

Jennifer Burnside,
Court Administrator

/jb