

**COMMISSIONERS JOURNAL NO. 40 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JULY 10, 2000**

THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY MET IN REGULAR SESSION ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT:

Present: James Ward, Deborah Martin, Donald Wuertz

7:30 PM – Annexation Hearing for 22.156 Acres from Delaware Township to the City of Delaware

RESOLUTION NO. 00-553

IN THE MATTER OF APPROVING RESOLUTIONS AND MINUTES FROM REGULAR MEETING HELD JULY 3, 2000:

It was moved by Mr. Wuertz, seconded by Mr. Ward to dispense with the reading of the minutes and resolutions of the regular meeting held July 3, 2000, and to approve resolutions and minutes as submitted.

Vote on Motion Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

PUBLIC COMMENT

RESOLUTION NO. 00-554

IN THE MATTER OF APPROVING FOR PAYMENT WARRANTS NUMBERED 276574 THROUGH 277094:

It was moved by Mr. Ward, seconded by Mr. Wuertz to approve for payment warrants 276574 through 277094 on file in the office of the Delaware County Commissioners.

Vote on Motion Mrs. Martin Aye Mr. Wuertz Aye Mr. Ward Aye

RESOLUTION NO. 00-555

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

It was moved by Mrs. Martin, that the Juvenile Court travel request to attend the Ohio Women’s Conference, to have the meals removed and have approval of the classes and have proof of attendance to certain classes, seconded by Mr. Ward:

Juvenile Court is requesting that Jenny Nicely attend the workshop Solution Focused Therapy with Children & Adolescents at Cleveland on July 14, 2000, in the amount of \$107.50.

Juvenile Court is requesting that Jan Thomas and Amy Craig attend the Ohio Women’s Conference at Columbus on August 3, 2000, in the amount of \$316.00.

Human Services is requesting that Barbara Minnick attend the Human Services Personnel Association Meeting at Columbus on July 12, 2000, in the amount of 37.00.

9-1-1 is requesting that Larry Fisher, D. Hall, J. Tracy, K. Coy, L. Sessley and S. Creamer attend the Public Safety Forum at Bellville, Ohio on July 14, 2000, at no cost.

Child Support Enforcement Agency is requesting that Susan Hollenbach attend the National Child Support Conference at San Diego on July 29 through August 3, 2000, in the amount of \$1,850.00.

Vote on Motion Mr. Wuertz Nay Mr. Ward Aye Mrs. Martin Aye

RESOLUTION NO. 00-556

IN THE MATTER OF SETTING DATE AND TIME FOR PUBLIC HEARING ON THE ZONING REQUEST OF ROBERT AND AMY ZIEGLER:

It was moved by Mr. Ward, seconded by Mr. Wuertz to approve the date and time for **Monday, July 24, 2000, at 9:30 AM, in the Office of the County Commissioners, 101 North Sandusky Street, Delaware, Ohio.** A copy of the application is available for review at the Office of the Zoning Inspector – 50 Channing Street.

Vote on Motion Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

RESOLUTION NO. 00-557

IN THE MATTER OF APPROVING RIGHT OF WAY WORK PERMIT SUMMARY SHEET:

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| | Joint County Ditch | | Tri-County Ditch | |
|----------------------------------|--------------------|------------------|----------------------------|----|
| Adams | 7% | Delaware/Marion | Randall Howison Tri-County | 0% |
| Carter Joint County | 5% | Delaware/Marion | (Delaware/Marion/Union | |
| Cook Joint County | 20% | Delaware/Licking | | |
| Darst Joint County | 5% | Delaware/Marion | | |
| DeGood | 0% | Delaware/Union | | |
| Pumphrey Joint County | 7% | Delaware/Morrow | | |
| Tartan Field Jr. C. 8, 9, 10, 11 | 2% | Delaware/Union | | |
| Ottawa Joint No. 1356 | 8% | Delaware/Union | | |

Vote on Motion Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

RESOLUTION NO. 00-560

IN THE MATTER OF APPROVING THE SANITARY SEWER PLANS IN THE POINTE AT SCIOTO RESERVE; SUMMERWOOD AND HIGHLAND HILLS AT THE LAKES, SECTION 2:

It was moved by Mr. Wuertz, seconded by Mr. Ward to approve the sanitary sewer plans for The Pointe at Scioto Reserve, Summerwood and Highland Hills at the Lakes, Section 2 for submittal to the Ohio EPA for their approval as per recommendation of the County Sanitary Engineer.

Vote on Motion Mrs. Martin Aye Mr. Wuertz Aye Mr. Ward Aye

RESOLUTION 00-561

IN THE MATTER OF AWARDDING A BID FOR ARCHITECTURAL SERVICE FOR THE CONSTRUCTION OF ADDITIONAL EMERGENCY MEDICAL SERVICE BUILDINGS.

It was moved by Mr. Wuertz, seconded by Mr. Ward to adopt the following Resolution:

WHEREAS, the Board of County Commissioners desire to ensure continued emergency medical coverage for our citizens residing in Delaware County, and

WHEREAS, the Board of County Commissioners previously resolved to implement, where possible, a seven (7) minute response time for emergency medical coverage throughout the county, and

WHEREAS, additional facilities are required to provide sleeping quarters, equipment storage, food preparation, etc. for a 24/48 hour personnel schedule, and

WHEREAS, Delaware County went out to request proposals for architectural services for construction of new emergency medical service buildings on March 20, 2000 and received bids on April 03, 2000, and;

WHEREAS, after carefully reviewing the proposals received, the proposal submitted by Maddox NBD has been determined to be the best for architectural services for the emergency medical service department, and;

WHEREAS, to ensure that the county has a qualified professional to represent its interests during the plan approval and construction process, the construction management firm Quandel will be offered the opportunity to oversee this project;

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners of Delaware County hereby awards the bid for architectural services to design and plan the new emergency medical service stations to Maddox NBD.

BE IT FURTHER RESOLVED: That the Clerk of the Board of Commissioners shall cause this Resolution to be spread upon the Board's Official Journal.

Vote on Motion Mr. Wuertz Aye Mr. Ward Aye Mrs. Martin Aye

RESOLUTION NO. 00-562

IN THE MATTER OF APPROVING QUARTERLY FINANCIAL REPORT FOR LITTER GRANT:

It was moved by Mr. Ward, seconded by Mr. Wuertz to approve the quarterly financial report for the Recycle Ohio Grant.

Vote on Motion Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

PUBLIC DEFENDER – DISCUSSION

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RESOLUTION NO. 00-563

7:30 PM - HEARING FOR ANNEXATION OF 22.156, MORE OR LESS, ACRES FROM DELAWARE TOWNSHIP TO THE CITY OF DELAWARE:

Opening the Hearing at 7:30 PM.

The Hearing was closed at 7:35 PM.

RESOLUTION NO. 00-564

ORDER OF COMMISSIONERS FOR ANNEXATION OF 22.156, MORE OR LESS, ACRES OF LAND FROM DELAWARE TOWNSHIP TO THE CITY OF DELAWARE:

It was moved by Mr. Wuertz, seconded by Mr. Ward to approve the following resolution:

The Commissioners of Delaware County, Ohio having on the 10th days of July heard the petition of the majority of landowners in the area described to obtain Annexation of territory described in the petition to the City of Delaware, and having in open meeting heard all the persons desiring to be heard for or against the granting of said petition had having considered any affidavits presented with reference thereto and being fully advised in the premises do find that:

1. The petition contains all matters required by Sections 709.02 of the Ohio Revised Code;
2. Notice has been published as required by the Ohio Revised Code Section 709.03 and 709.031 and Ordinance has been adopted by and submitted by the City of Delaware as required by Section 709.031(B) of the Revised Code;
3. The persons whose names are subscribed to the petition are the real owners of real estate in the territory described in the petition and as of the time the petition was filed with this Board of County Commissioners the number of valid signatures on the petition constitute a majority of the owners of real estate in the territory proposed to be annexed.
4. The territory included in the annexation petition is not unreasonably large;
5. The plat of the territory to be annexed is accurate, and
6. The general good of the territory sought to be annexed will be served if the annexation petition is granted, and

It is hereby ordered that the prayer of said petition be granted and that the territory described in said petition be annexed, signed by a majority in accordance with law, and that a certified transcript, signed by a majority of this Board, of all orders and proceedings of said Board relative to said petition and the hearing thereon, together with said petition and the maps attached hereto, and all papers on file relating to said matter, be delivered to the Clerk of the City of Delaware, Ohio.

Dated this 10th day of July 2000.

Vote on Motion Mr. Wuertz Aye Mr. Ward Aye Mrs. Martin Aye

RESOLUTION NO. 00-565

IN THE MATTER OF ADOPTION OF RESOLUTION ESTABLISHING NEW RATE SCHEDULE FOR PUBLIC DEFENDER CASES AND REPEALING OLD RATE SCHEDULE EFFECTIVE JANUARY 1, 2000:

It was moved by Mr. Wuertz, seconded by Mr. Ward to adopt the following:

WHEREAS, Delaware County recognizes its responsibility under the laws of the State of Ohio and the United States of America to provide legal counsel for indigent individuals charged with serious offenses in the Courts of Delaware County, and

WHEREAS, the County Commissioners of Delaware County have chosen to utilize an assigned counsel system under the authority of the Ohio Revised Code, Section 120.33 and

WHEREAS, the following represents the schedule of fees set by the County Commissioners pursuant to Ohio Revised Code Section 120.33 and

WHEREAS, the following represents the schedule fees set by the County Commissioner pursuant to Ohio Revised

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Code Section 120.33 and Section 2941.51.

NOW, THEREFORE, BE IT RESOLVED that pursuant to the Ohio Revised Code Section 120.33 and Section 2941.51 the following plan is adopted for use by the Courts within Delaware County.

I. All counsel eligible for payment under this schedule be appointed by a Judge of the Delaware Municipal Court, or the Delaware County Courts of Common Pleas and said appointment shall be entered by signed journal entry filed with the Clerk of the respective court.

II. Trail Level Procedures:

1. Reimbursement for representation in trial level cases NOT INVOLVING A DEATH PENALTY SPECIFICATION will be made based on the maximum rate of \$50.00 per hour for out-of-court services and \$60.00 per hour for in-court services.
REIMBURSEMENT FOR REPRESENTATION IN TRIAL LEVEL CASES INVOLVING A DEATH PENALTY SPECIFICATION WILL BE MADE BASED ON THE MAXIMUM RATE OF \$60.00 PER HOUR FOR BOTH IN-COURT AND OUT-OF-COURT SERVICES.

2. The prescribed maximum fees permitted in trial level proceedings are:

| Offense / Proceeding | Fee Maximum |
|---|------------------------|
| Aggravated Murder (w/specs) Per O.R.C. 2929.04(A) and 2941.14(B) | \$40,000.00* |
| *Ohio Supreme Court Rule 20 of the Rules of Superintendence FOR THE COURTS OF OHIO required the appointment of two (2) attorneys in capital offense cases. This fee is the maximum that will be paid on the combined bills of both attorneys appointed to the case. | |
| Aggravated Murder (w/o Specs) | \$ 6,000/ 1 attorney |
| Murder | \$ 8,000 / 2 attorneys |
| Felony with possible Life Sentence/Repeat | \$ 3,000.00 |
| Violent Offender / Major Drug Offender | \$ 5,000.00 |
| Felonies (degrees 1-3) | \$ 2,000.00 |
| Felonies (degrees 4 & 5) | \$ 1,500.00 |
| Misdemeanors (degrees 1-4) | \$ 750.00 |
| Contempt of Court | \$ 200.00 |
| Parole, Probation, and all other proceedings | |
| Not elsewhere classified | \$ 500.00 |

3. Reimbursement for guilty or no contest pleas will be made based on the maximum rate of \$50.00 per hour for out-of-court services and \$60.00 per hour for in-court services up to the prescribed maximums for each classification.

III. Juvenile Proceedings

1. Reimbursement for representation in juvenile proceedings will be made based on the maximum rate of \$50.00 per hour for out-of-court services and \$60.00 per hour for in-court services.
2. In abuse, dependency and neglect cases, both the attorney and the guardian *ad litem* are entitled to bill the maximum fee allowed by the county for the initial dispositional hearing and each subsequent review hearing before the court.
3. The prescribed maximum fee permitted in juvenile proceedings, including guardian *ad litem* is \$1,000.

IV. Appellate Level Proceedings

1. Reimbursement for representation in appellate level proceedings not involving a death sentence shall be made based on the maximum rate of \$50.00 per hour for out-of-court and \$60.00 PER HOUR for in-court services.
2. Reimbursement for representation of appellate level proceedings involving a death sentence will be made based on the maximum rate of \$60.00 per hour for both out-of-court and in-court services.

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3. The prescribed maximum fees permitted in appellate level proceedings are listed below. The rates apply to each level of appeal

| Offense/Proceeding | Fee Maximum |
|---|--------------|
| Aggravated Murder (death sentence imposed) | \$10,000.00* |
| Aggravated Murder (sentence other than death) | \$ 4,000.00 |
| Murder with Life Sentence/ Repeat Violent Offender / Major Drug Offender/ Sexually Violent Predator | \$ 1,500.00 |
| Felonies/S.B. 2 & H.B. 1 APPEALS | \$ 1,000.00 |
| Misdemeanors | \$ 750.00 |
| Other / Juvenile | \$ 1,000.00 |

*Ohio Supreme Court Rule 21 of the Rules of Superintendence FOR THE COURTS OF OHIO requires the appointment of two (2) attorneys in capital cases. This fee is the maximum that will be paid on the combined bills of both attorneys appointed to the case.

V. Post Conviction and Habeas Corpus Proceedings

1. Reimbursement for postconviction and state habeas corpus proceedings not involving a death sentence will be made based on the maximum rate of \$50.00 per hour for out-of-court services and \$60.00 per hour for in-court services.
2. The prescribed maximum fees permitted in postconviction and habeas corpus proceedings not involving a death sentence are:

| Offense/Proceeding | Fee Maximum |
|---|-------------|
| Postconviction Proceeding with Evidentiary Hearing | \$ 1,000.00 |
| Postconviction Proceeding without Evidentiary Hearing | \$ 500.00 |
| Habeas Corpus with Evidentiary Hearing | \$ 1,000.00 |
| Habeas Corpus without Evidentiary Hearing | \$ 500.00 |

3. Reimbursement for postconviction and state habeas corpus proceeding involving a death sentence shall be made based on the maximum rate of \$60.00 per hour for both out-of-court and in-court services to a maximum of \$10,000.00 for each stage of the postconviction or habeas corpus proceeding,

VI. Compensation for Services

Assigned counsel will be compensated for actual hours of representation performed for in-court and out-of-court services. All cases will be compensated for actual hours at a rate of \$50 per hour for out-of-court services and \$60 per hour for in-court services.

VII. Extraordinary Fees

Cases eligible for extraordinary fees are ones which, because of extraordinary complex issues, multiple offenses, lengthy trials, or other reasons, warrant compensation at a rate which exceeds the maximums established by this Resolution.

Additional compensation shall be made for extraordinary expenses when approved by the Court. The attorney's certificate when submitted to the Court for approval shall include a separate written statement with the specific amount of the fee, the time involved and an indication of the nature of the complexity of the issues involved, the existence of any multiple offenses, the length of trial and other necessitating circumstances.

VIII. Compensation for Reasonable Expenses

Compensation for reasonable expenses associated with providing representation shall be made when submitted on the attorney's fee certificate (OPD-1026R) and approved by the trial judge. Allowable expenses include, but are not limited to, such items as expert witness fees, polygraph examination costs, investigation costs, long distance telephone calls, copying, parking and mileage expenses, meal expenses and other necessary items as approved in the discretion of the Court.

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IX. Application for Assigned Fees

Each assigned counsel, prior to receiving compensation hereunder, shall submit to the assigning court a legible, fully completed Application for Assigned Counsel Fees with an accurate itemization of hours of representation performed in-court and out-of-court, and where elsewhere required the itemization of expenses and supporting statements. Such submissions shall be within the time limits established by the Ohio Public Defender Commission.

X. Effective Date

This Resolution is effective for assignments of counsel made on and after July 11, 2000, and the former rate schedule hereby repealed effective July 10, 2000.

XI. This resolution will be reviewed by the Commissions in the month of January of the year 2001 if not before.

Vote on Motion Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

There being no further business, the meeting adjourned.

Deborah Martin

James D. Ward

Donald Wuertz

Letha George, Clerk to the Commissioners