

Patricia G. Geissman called the meeting to order at 9:30 a.m. with Colleen M. Swedyk present. The meeting opened with the Pledge of Allegiance and a prayer.

The minutes of the September 3, 2019 commissioners' meeting were emailed in advance. Mrs. Swedyk moved to approve the minutes; Mrs. Geissman seconded the motion. There was no discussion. Roll call showed both commissioners voting AYE. The motion carried.

Highway Engineer Administrative Assistant Doug King presented and reviewed a resolution determining the necessity to close Medina Line Road (C.H. 2) between Reimer Road (C.H. 123) and Koontz Road (T.R. 125). Mrs. Swedyk moved to approve the resolution; Mrs. Geissman seconded the motion. There was no discussion. Roll call showed both commissioners voting AYE; the motion carried.

The commissioners reviewed the permits issued August 29-September 4, 2019

Human Resources Director Holly Muren presented and reviewed the following resolutions: (1) approving personnel changes for the employees under the jurisdiction of the Medina County commissioners; and (2) amending the Table of Organization for the Medina County Home. Mrs. Swedyk moved to approve the two resolutions; Mrs. Geissman seconded the motion. There was no discussion. Roll call showed both commissioners voting AYE; the motion carried.

Office for Older Adults Director Laura Toth reported that the key performance indicators year to date have continued to be consistent with a slight increase over last year. July was a large service month. Home delivered meals are on schedule to go over 38,000. Subsidized transportation at the county home has been reinstated. Veterans Services provides transportation for all veterans in the county regardless of age and the small increase from grants has been able to help reinstate about 15 to 20 residents from the County Home. County Home residents were never cut off from social activities at the center or benefits. Picnics on the patio for 2019 was an outstanding year. The event grew this season and the last picnic on August 23 being the largest. There were over 150 people. This Friday is the 90 and over party. Ms. Toth thanked Commissioner Geissman for coming to emcee. Ms. Toth distributed fact sheets on the levy. Office for Older Adults, Job and Family Services and the ADAMH Board have partnered to place a 1 mill levy on the November 5th ballot. This levy is a response to the ever increasing needs in the agencies. Each year transportation services in the county have provided much needed rides for seniors in the county. In 2018, they subsidized over 8,000 trips for seniors in the county. Ms. Toth stated that the levy will provide real help for real needs in the county.

County Administrator Scott Miller presented and reviewed the following resolutions: (1) authorizing the County Administrator to enter into contract negotiations for design services for temporary space for court operations; and (2) allowing expenses of county officials. Mr. Miller requested payment of the weekly bills in the amount of \$586,484.84. Mrs. Swedyk moved to approve the two resolutions and to pay the bills; Mrs. Geissman seconded the motion. There was no discussion. Roll call showed both commissioners voting AYE; the motion carried.

Mr. Miller stated that we all want to bring the best services to Medina County for the lowest cost. The Court Management System has been a big topic over the last couple of weeks. Mr. Miller explained what a Court Management System is stating through case management, a Court system can track information more effectively, monitor case progress, matter scheduling, assign and collect costs and assemble statistical data for use in reports for purposes of grant submissions and also monitor court performance for Ohio Supreme Court purposes. Mr. Miller noted that case management can allow the common use of information amongst numerous actors in the system, including the Clerk of Courts, judges and magistrates, probation departments, detention facilities, and other court related staff. The overview of selected portions of the matters can be placed on an item called the "Docket" in which cases can be observed in part by the public. This in part leads to transparency and builds confidence in the Court system as a whole.

Mr. Miller stated it takes the information filed at the clerk's office. It goes through the judicial process allowing all parties to have information as needed. The clerk of courts can then collect the fees and fines after the judicial process. Currently, Medina County court files are maintained in physical paper files. Some portions are scanned by computer and available to the public for viewing, and may subsequently be scanned or microfilmed at the conclusion of a matter. These documents are not subject to reasonable date sharing. The information in them must be re-typed for use. The system is more of an image system than a data usage system. Paper files consume physical space for storage, are costly and are prone to being misplaced and damaged. Migrating as much of the files to a computer data will allow those items to be shared in the preparation of documents and ought expedite turn around and assist in work flow productivity.

Mr. Miller stated that currently, there are a lot of inefficiencies. We have been presented with several scenarios. Dave Wadsworth has been looking at court management systems through a request for qualifications last year. Judge Dunn has also been looking at these systems. They are extremely expensive. The first scenario, Tyler Odyssey, meets the needs of all the courts and has been approved by 3 of the 4 judges, 2 judges in the general

division and the judge in the juvenile/probate court. It is \$1,169,595 approximately. In addition, the annual maintenance is \$293,460. This is a hosted system meaning that the data being accessed is in Texas and Maine. If a ransomware attack happens, the courts can get another computer and still access the court management system. It is updated and maintained by Tyler and our IT staff does not have to maintain that system.

Mr. Miller stated that the second scenario is the purchase of two systems. Odyssey System, without the common pleas package, is \$869,625. This meets the Juvenile court's needs. The Benchmark system is \$395,132 which is just for the Court of Common Pleas and Clerk of Courts, but does not meet the Juvenile/Probate needs. Judge Dunn has stated that he has assessed both systems and the benchmark system does not have what his court needs. If you look at the cost to buy two systems, it costs \$1,264,757 which is about \$95,000 more than buying one system. It does not include travel, and the \$395,132 includes the full court savings that benchmark is giving us of \$158,142.50. Mr. Miller stated he does not know what that amount will really be because that savings was calculated based on the purchase of 3 systems. Mr. Miller stated the annual maintenance for scenario 2 is \$326,435 which is \$32,000 more than going with one software package.

Mr. Miller stated in essence there are three judges who have looked at the systems and want the Odyssey system. I have one Judge, Judge Kovack, who has disagreed with all three judges and wrote a court order from going with scenario 1, the cheapest system. The general division of Common Pleas Court obtained a grant for \$200,000 to be used for the purchase of court management software. There is a \$26 fee collected by the courts that goes into a Court Computerization Fund. That fund is specifically for the computerization of the courts. Of that \$26, \$6 goes to Domestic Relations or to Common Pleas and \$20 goes to Clerk of Courts. This money can be used by the Clerk to computerize the courts. It is ironic that Judge Kovack has issued an order to prevent us from using money that has been specifically collected for the computerization of the courts to prevent us from computerizing the court. There is also about \$120,000 in monies from the special project funds that can go towards this. In essence, there are court fees and a grant in excess of a million to pay for this software package. The remaining amount of money, the Clerk of Courts had to transfer money from the auto title fund to the general fund. Some of that money transferred was specifically for the purpose of the Court Management System. The money is there and the cheapest way to go is with one software package. It is amazing there is one judge that will order us to ignore the wants and needs of the three other judges. By purchasing one system, we are investing for the future, for better service and for lower cost to improve operations. Mr. Miller thanked the commissioners for their time. Mrs. Geissman stated she appreciated all the detail.

Prosecutor Forrest Thompson presented a resolution authorizing the Medina County Prosecuting Attorney to file a joint application to authorize this Board to retain outside counsel for Domestic Relations Judge Mary Kovack and approving the retention of the services of Attorney Stephen W. Funk to represent Judge Kovack in pending litigation. Mr. Thompson stated that the resolution deals with a mandamus action that was previously initiated by this Board as a response regarding Judge Kovack's orders of July 29 and August 12 which precluded the use of the computerization funds from being expended. The original act of prohibition that was filed on behalf of the Board of Commissioners for Medina County was filed in the Supreme Court on August 29 under case 2019-1201 and the complaint was served on Judge Kovack by certified mail on September 3. He stated that he provided the background information due to the immediacy of the due process system as Judge Kovack has 21 days to respond. The prosecutor's office for Medina County is the statutory agent for both the county commissioners and the Medina County Domestic Relations judge and accordingly, they are in a conflict of interest and are unable to represent either entity. The commissioners had already worked with legal representation through CORSA, however, their communications with CORSA indicate that they are continuing to look at it, but it does not appear that there is a basis for their legal representation of the Domestic Relations Court. Accordingly, under Ohio Revised Code 305.14, there is a protocol that is set forth in order to retain outside legal counsel for the court which under due process the court has an absolute right to have. The process requires the approval by the Board of Commissioners as well as his office on the application which is then submitted to the court for approval. In the process of this, and that's the basis of the resolution that has been submitted, under that resolution, they have also reached out to a total of 6 or 7 law firms in an attempt to obtain legal representation for the judge. Mr. Thompson indicated that they spoke to Attorney Stephen Funk of Roetzel & Andress who has the requisite experience. Mr. Funk's normal hourly billing rate is \$405 and has agreed to represent the Domestic Relations Court for the hourly rate of \$300. Mr. Thompson stated that his office did have communication with Judge Kovack yesterday and to the best of his knowledge, she does approve of the retention of Attorney Funk for these purposes. Mr. Thompson provided a joint application in compliance with Section 305 for authority to submit request to the Common Pleas Court for the retention of Stephen Fund to the commissioners for signature if they see fit to execute the resolution as submitted. Mrs. Geissman asked if it is Mr. Thompson's recommendation; he answered that it is. Mrs. Swedyk moved to approve the resolution; Mrs. Geissman seconded the motion. Mrs. Geissman stated that she is sorry it has come to this – that we couldn't get all of our judges on the same page. Mr. Thompson stated that these are unique sets of circumstances. The protocol to properly address legal representation in these circumstances is a bit muddy, simply because it's not a very routine process. There was no further discussion. Roll call showed all commissioners voting AYE; the motion carried. The commissioners signed the joint application as requested by Mr. Thompson.

Clerk of Courts David Wadsworth asked who is representing the commissioners; Mr. Thompson answered that he didn't recall the name because his office isn't involved with it. Scott Miller stated Mark Landes of Isaac Wiles. Mr. Wadsworth asked what they are charging per hour; Mr. Miller answered \$160. Mr. Thompson stated that because the conflict was self-evident at the outset, his office had no involvement in the communications with counsel.

Commissioner Geissman presented and reviewed a resolution proclaiming September as Prostate Cancer Awareness Month. Mrs. Swedyk moved to approve the resolution; Mrs. Geissman seconded the motion. Mrs. Geissman stated that this is very important. The statistics are definitely getting better. Back in the 1980s when she was the Executive Director of the American Cancer Society, there was not the nearly 100 percent for early detection. There was no further discussion. Roll call showed both commissioners voting AYE; the motion carried.

Commissioner Geissman noted that the Clerk of the Board received an Expedited Type 2 annexation petition for two parcels of land totaling 14.4096 acres of land from Guilford Township to the Village of Seville. No public hearing is required. The commissioners will review the petition at the regular meeting on October 8.

Public Comment

Mark Fredrick, 6146 W. Smith Rd., Medina, stated that he expects to be the eyes for the residents in the county. He's going to bring waste to the public's attention. He stated that he wanted to make everyone aware of the concrete problem – all of the street closings – it's constant, chronic, everywhere. Regarding the W. Smith and Lake Road closing, he knows it's a big inconvenience to a lot of civil servants. The Medina City Bus Garage is right around the corner and for the last four months, he has seen the busses detour miles daily on the way out and on the way in because of that road closure. It's a waste of taxpayer money on fuel, tires, maintenance, and drivers' time. If we can blow a million dollars on a court package, what are we blowing on tires and fuel for the school system? He will be talking to the school superintendent pretty soon because apparently he is not aware of this. Mr. Fredrick also spoke about the closing on Commerce Drive stating that he knows the commissioners are going to hide behind that statement that it's a decision they have nothing to do with. Medina City is in Medina County and anything that happens in the city becomes ultimately on their shoulders. Mr. Fredrick stated that the ultimate problem is nothing is getting done. There's not a single worker on the job today. How is this going to get done with nobody doing anything? He stated that he thinks the commissioners along with whoever else is writing these contracts should put a bonus on there if they get done on time they get a bonus. He doesn't want to see the waste and he wants to see the road closure done.

Mr. Fredrick stated that apparently we have a judge out of control. He was unaware of that until a few minutes ago. Judge Kovack asked if anyone has tried to have a chit-chat with her. He stated that we had a similar judge and somebody had a large sign in front of their house for many months. Many police from all over Medina County stopped and commented on that sign and she was consequently voted out.

Daniel Maynard, 6760 Wadsworth Road, stated that he is the Court Administrator for Judge Kovack and she is not out of control. He had a number of things set out to explain to give some background information as to what computer software does, the difference between docketing which is the clerk's function and case management system which is the court's function, and how some software packages allow both and some do not, and how they've done things historically, but given that he only has five minutes, he will only respond to some of the things that have been brought up this morning. Regarding lawsuits, Mr. Maynard stated that the Ohio Supreme Court provides an entire arm of their dispute resolution section to be made available for government entities that have disputes in order to avoid litigation. They have various mechanisms, alternative dispute resolutions like mediation and a couple of other things designed specifically for government entities to avoid the cost of litigation, the cost of lawyers, etc. He suggested that in the future, prior to engaging in litigation or hiring lawyers should the commissioners decide to sue another elected official, that they at least explore the option of the Supreme Court's government resolution department. Mr. Maynard added that there's a preference for the Supreme Court to send all of these cases to mediation and we were all ordered into mediation this morning, so we will be going that track anyway.

Regarding the computer software, Mr. Maynard stated that there are four judges, there are three judges that utilize the services of the Clerk of Courts David Wadsworth – that is Judge Kovack, Judge Kimbler and Judge Collier. That's three judges, two divisions – the General Division and the Domestic Relations Division. All of them use the services of David Wadsworth as the Clerk. He stated that currently the software provides for docketing. Judge Kovack and the Domestic Relations Court has a separate system that is very affordable that they use for case management and have for some time. They use Courtview; it's a widely-used system throughout the state and in fact, the Medina Juvenile Court uses it right now. They use David Wadsworth as their docketing and their clerk who creates the permanent record of the case files. Legitimately, the computer system used for docketing by Mr. Wadsworth has to be replaced. As an elected official, David Wadsworth, being a good steward of tax dollars, has recommended that the judges, being the three judges who utilize his services, use Pioneer's Benchmark system for his docketing of their cases and an available case management tool which can also be purchased from Pioneer. Judge Dunn, who is his own clerk, his own entity, has pushed for Tyler, and it's his understanding that the other two judges have agreed that they would prefer Tyler for case management, but much of the discussion has ignored the fact that 1) David Wadsworth is a separately elected official and 2) there is a difference between docketing and case management. But all of this nuance leave out

that he understands that Judge Dunn has said that no other service but Tyler, which happens to be one of the most expensive out there, will accommodate his needs. He hasn't heard exactly what needs aren't being accommodated, what needs Tyler would actually solve, what issues there are with the detention center and probation. He stated that the fact is that Franklin County, one of the counties that is being used repeatedly as an example of a system that is adopting Tyler, their juvenile court is not using Tyler to integrate their detention center and probation departments. They are using another software choice and that's Proware. He stated that Judge Dunn allows access to Courtview, their current case management, to all of the juvenile guards. The fact is each one of those licenses, somewhere around 20, is what he believes, an unnecessary expense, for individuals who really shouldn't have access to what are confidential records of juveniles that is the entire case file. Part of the expense is those additional licenses. Mr. Maynard stated that we're talking about real dollars here in terms of ongoing maintenance. Tyler will give us somewhere around \$42 or \$45 per case (best case scenario) through the county. We can collect \$26 by statute and we're going to spend \$45 per case on Tyler. Or, Pioneer which is somewhere around \$15 per case where we can spend \$15 per case and continue to collect \$25. Also, those case numbers are skewed because juvenile and probate cannot collect \$26 per case; they can collect \$13, which is part of the problem. He stated that the intermingling of funds, that is the funds collected by juvenile and probate pursuant to their statute, and the funds collected by the General Division and Domestic Relations pursuant to their statute is another legal issue that has yet to be addressed by anyone. He doesn't think legally you can blend those two sources of funds. He stated that he would've liked to have provided more background, but he only gets five minutes.

With no further business to come before the Commissioners, the meeting recessed at 10:12 a.m.

Discussion Session

At 10:16 a.m., the Commissioners began the Discussion Session in the Commissioners' conference room.

Curtis Perkins stated that at the June 13 Solid Waste Policy Committee meeting, they were promised that in 45 days, their wait time would be cut. Today is the 90th day and his trucks, along with everyone else down there, are still have wait times of an hour; nothing is happening. Mrs. Geissman stated she would speak with Amy Lyon-Galvin about it.

Adjournment

Mrs. Swedyk moved to adjourn the meeting; Mrs. Geissman seconded the motion. Roll call showed all commissioners voting AYE; the motion carried. The meeting adjourned at 10:17 a.m.

RESOLUTIONS PASSED SEPTEMBER 10, 2019

<u>Number</u>	<u>Resolution Title</u>
19-0811	Proclaiming September as Prostate Cancer Awareness Month
19-0812	Allowing claims and authorizing issuance upon the treasurer in settlement of such list of claims
19-0813	Determining the necessity to close Medina Line Road (C.H. 2) between Reimer Road (C.H. 123) and Koontz Road (T.R. 125)
19-0814	Authorizing the County Administrator to enter into contract negotiations for design services for temporary space for court operations
19-0815	Allowing expenses of county officials
19-0816	Approving personnel changes for the employees under the jurisdiction of the Medina County Commissioners
19-0817	Amending the table of organization for the Medina County Home
19-0818	Authorizing the Medina County Prosecuting Attorney to file a joint application to authorize this Board to retain outside counsel for Domestic Relations Judge Mary Kovack and approving the retention of the services of Attorney Stephen W. Funk to represent Judge Kovack in pending litigation

All deliberations concerning official business and formal actions by this Board of Commissioners were conducted in an open public meeting this tenth day of September, 2019.

Respectfully submitted,	COMMISSIONERS	_____ Patricia G. Geissman
	OF	_____ William F. Hutson
_____ Rhonda J. Beck Clerk to the Commissioners	MEDINA COUNTY	_____ Colleen M. Swedyk