

The Geauga County Automatic Data Processing Board met on Wednesday, January 3, 2024, at 11:00 am at 231 Main Street in the Auditor's Appraisal Conference room and via Microsoft Teams for a Special meeting. Members present: Chuck Walder, County Auditor; Thomas Rowan, representing Scott Hildenbrand, County Sheriff; Katie Taylor, representing Joe Cattell, County Engineer; Sheila Bevington, County Clerk of Courts; Jim Flaiz, County Prosecutor; Michelle Lane, Board of Elections Director; Nora McGinnis, Board of Elections Deputy Director; Celesta Mullins, County Recorder; Caroline Mansfield, representing C. P. Hitchcock, County Treasurer and Linda Burhenne, representing Tim Lennon, County Commissioner. Also present Pam McMahan, Deputy Auditor; Ron Leyde, Chief Deputy Auditor; Frank Antenucci, Chief Deputy Administrator; Allen Keener, Chief Technology Officer; Carol Benton, League of Woman Voters of Geauga; Kate Jacob, Auditor's Chief Compliance Officer; Josh Widdifield and Mike Dorka ADP; Brian Doering, Geauga County Maple Leaf; Linda Burhenne, Asst. County Administrator; Diane and Tom Jones; Tom Huff, Court IT; Velta Moisiso, IT Director; Adrian Gorton, Budget and Finance Manager; and Anastasia Nicholas, CVT.

Absent: None.

Discussion on Geauga County BOCC 12/28/2023 Resolution #23-2123 Regarding the County Records Commission and County Microfilming Board

Jim stated that there was an agreement regarding the County Commissioners running the Archive center and his office requested an opinion from the Attorney General to discuss what the responsibilities were relating to the Archive center. The Attorney General responded and stated the agreement was illegal and not permissible by law.

Jim explained there were several other issues and the Attorney General's opinion spelled out the different responsibilities that the Records Commission Microfilm Board has as there are a handful of employees that are Commissioner's employees. There are different ways to handle how the Archive Center and the Microfilming are done in the county and a lot of it is overseen by the Records Commission and the Microfilm Board. There are alternatives under the law, the County Commissioners can opt to transfer all duties to ADP. If the Commissioners do transfer all duties to ADP, then the Microfilm Board and the Records Commission are dissolved, and all their duties, liabilities, and assets, are transferred to ADP. There were several options that the Records Commission and the Microfilm Board discussed at a prior meeting.

Jim continued last Thursday, the Board of County Commissioners decided to adopt a resolution under ORC 307.847, eliminating the Microfilm Board and Records Commission and having ADP take over those functions. The Prosecutor's office was not consulted and did not prepare the resolution which has resulted in some issues. Jim disclosed one of the problems with the resolution was it had an effective date of January 1<sup>st</sup>. There were also several fatal defects in the resolution that the Commissioners passed as under the revised code, they had to transfer very specific duties to ADP and the resolution did not contain all the necessary elements. To dissolve the Records Commission and the Microfilm Board, they must follow the statute and transfer all those duties to ADP. Since the Commissioners did not do that properly, the duties have not been transferred, and that the Records Commission and Microfilm Board still exist.

Jim also explained his office put together a corrected resolution and sent it to the Board of Commissioners but received no response. If the Commissioners pass the corrected resolution, ADP will have time to sort out payroll.

Adrian stated the main reason why he asked Linda to include the timeframe throughout 2024, was to move all the appropriations, including carry-over encumbrances. Some obligations would necessarily remain under the Commissioner's GL structure throughout 2024. The way the Archive Center is currently set up in New World, it would be able to pay its employees through their normal payroll accounts without any issues.

Jim Flaiz stated that he did not understand why they can't transfer the encumbrances.

Chuck commented that the problem is there are carry-over encumbrances that have liabilities or contractual obligations in them. Chuck continued that the problem is they don't have a mechanism to transfer carry-over encumbrances as you either carry it over and spend it, or you close it and open a new encumbrance. But then you have a date problem because you may have obligated yourself to a point in time when you didn't have the money to do so. Theoretically, the Microfilm Board fund is what's transferring to ADP.

Jim stated he did not think that the equipment, records, files, effects, and other personal property were assets and liabilities of the Board of Commissioners. The Attorney General said the agreement was contrary to law and is void. If the agreement is void and never existed, those are all obligations and assets of the Revised Code, which is the Record Commission and Microfilm. Chuck said there's about \$3,000.00 in Contract Services carryover, \$1,000.00 in Equipment and \$100 in Other. Chuck expressed he thought they should forget the carry-over encumbrances and transfer the other line items.

Approval to hire the 5 Commissioner employees to ADP contingent upon the Commissioners passing the resolution.

Motion: by Jim Flaiz, seconded by Linda Burhenne to approve hiring the 5 Commissioner employees as ADP employees contingent upon the Commissioners passing the resolution retroactive to 1/1/2024.

Jim explained there was another issue with the employees which are Commissioner employees. If they want to transfer those employees over, under the statute, they will have to resign from the Board of County Commissioners and then the ADP Board would have to approve those hires. Chuck commented that he doesn't think he will do this any differently than when he became the Auditor and remedy the situation as the employees are all doing their jobs.

Jim stated the way the statute works, technically a traditional ADP Board of which the statutory members are the Treasurer, Recorder, Clerk of Courts, Commissioner, two Board of Elections representatives, and the Auditor. Under the statute, the ADP Board, those seven members could voluntarily agree to add people to the ADP Board which happened in the past. The Sheriff, Prosecutor, and Engineer were added. Under this, if the Commissioners pass the resolution, the Board is statutorily expanded and includes the Prosecutor, Sheriff, Coroner, and a Judge of the Common Pleas Court. The statute states because there is a record management aspect, those people are automatically on the ADP Board because they need to have input over issues that affect their offices.

Jim also stated that an executive session should not be needed if this will be a seamless transition in hiring the 5 Commissioner employees.

Chuck agreed to abstain from an executive session.

Voice votes: 10 ayes, 0 absent, 0 abstain. Motion carried.

Other Regular Business

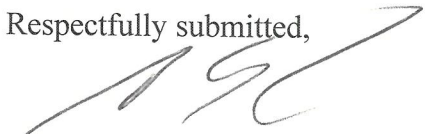
No other regular business.

Public Comments

No public comments

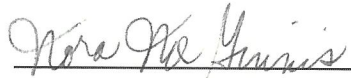
BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, Chief Rowan motioned to adjourn.

Respectfully submitted,

  
Charles E. Walder, Auditor  
Secretary/ADP Board

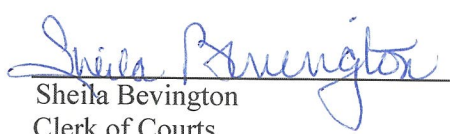
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Michele Lane  
Board of Elections Director


  
Celesta Mullins  
Geauga County Recorder


  
Nora McGinnis  
Board of Elections Deputy Director

  
Christopher Hitchcock  
Geauga County Treasurer

  
Jim Flaiz  
Geauga County Prosecutor

  
Sheila Bevington  
Clerk of Courts

  
Scott Hildenbrand  
Geauga County Sheriff

  
Joe Cattell  
Geauga County Engineer

  
Tim Lennon  
Geauga County Commissioner