

REGULAR MEETING – MONDAY, APRIL 29, 2002

The Board of County Commissioners of Medina County, Ohio, met in regular session on this date with the following members present:

PATRICIA G. GEISSMAN

THOMAS R. BAHR

STEPHEN D. HAMBLEY

Mr. Bahr offered the following resolution and moved the adoption of same, which was duly seconded by Mr. Hambley.

**RESOLUTION NO. 02-335
RESOLUTION ESTABLISHING DEPOSIT AND FEE REGULATIONS
FOR COSTS INCURRED IN ANNEXATION PROCEEDINGS**

WHEREAS, Amended Substitute Senate Bill 5 (SB 5) of the 124th General Assembly, changing Ohio's annexation laws, has been passed by the General Assembly and signed by the Governor, and

WHEREAS, SB 5 is effective, and

WHEREAS, Section 709.014(A) of the Ohio Revised Code (ORC) as enacted by SB 5 authorizes the Board of Commissioners of Medina County to establish a reasonable fee or schedule of fees to cover the costs incurred by the county in any annexation proceeding that takes place under Chapter 709 of the ORC, and

WHEREAS, Section 709.014 of the ORC as enacted by SB 5 also authorizes the Board to require an initial deposit to be paid at the time a petition for annexation is filed or promptly thereafter, and

WHEREAS, Section 709.032(B) of the ORC as enacted by SB 5 also provides for the payment of other fees or requires deposits in connection with the processing of annexation petitions, and

WHEREAS, the Board desires to implement a deposit and fee schedule for annexation petitions filed with the Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Medina County, Ohio, as follows:

Section 1.0 Annexation Deposit

Every annexation petition submitted pursuant to Chapter 709 of the ORC shall be subject to a deposit in the amount of \$115.50. The Clerk is hereby authorized to require additional deposits in the event there are insufficient funds remaining from the initial deposit to continue to cover the costs of the annexation procedure. All initial deposit and additional deposit amounts are based upon the fee schedule attached as Exhibit A.

Section 1.1 Time Period in which to Make Deposit

The deposit required pursuant to Section 1.0 of this resolution shall be filed with the Clerk of the Board within five days after the filing of any petition.

Section 1.2 Deposit by Person Requesting Court Reporter

Any person making a request that an official court reporter be provided at an annexation hearing shall at the time the request is made provide a deposit in the amount of \$45.00 to pay the costs of providing the court reporter. Any request for a court reporter shall be made at least seven days before the date of the hearing.

If a request is made to transcribe the record of the hearing, in accordance with Section 709.032(B) of the ORC, it shall be accompanied by an amount determined by the Clerk of the Board of County Commissioners to be necessary to cover the costs of transcribing the record.

Section 2.0 Fees for Subpoenas Requested by Necessary Party

If a necessary party to an annexation proceeding, as defined in Section 709.32(A) of the ORC, requests the Board to issue a subpoena for witnesses or for books, papers, correspondence, memoranda, agreements, or other documents or records relevant or material to the petition, the party requesting the subpoena shall pay in advance the fees and mileage expenses necessary to serve the subpoena. The remainder of the expenses shall be paid out of fees charged by the Board pursuant to Section 709.014 of the ORC.

Section 2.1 Fees for Subpoenas Issued by a Board Without a Request From a Necessary Party

If the Board issues a subpoena on its own initiative for witnesses or documents specified in Section 2.0, all costs shall be paid out of the fees charged by the Board pursuant to Section 709.014 of the ORC.

Section 2.2 Amount of Fees Associated with Subpoenas

The fees and mileage expenses for the Sheriff(s) and witnesses shall be the same as those allowed by the court of common pleas in criminal cases and as maintained on file with the Board of Commissioners of Medina County.

Section 2.3 Other Fees

Fees not otherwise provided for in this resolution shall be paid by the agent for the petitioners. In addition to the fees provided for in Section 1.2, 2.0, 2.1, 2.2, and 2.3 of this resolution, fees shall be paid by the agent for the petition for other costs incurred by the Board relating to an annexation petition.

These fees include but are not limited to: 1) all costs incurred in preparing and providing copies of notices and documents to the agent for the petition, other parties to the proceeding, the County Engineer, the County Prosecutor or other county officials, including the petition and all papers that accompany the petition; 2) certified resolutions of the Board related to the proceeding; 3) duplicate electronic records of the proceeding; 4) any other papers on file that constitute the record of the proceeding; 5) materials, postage, paper and other supplies, long distance telephone charges, and other related costs.

Section 3.0 Deposit of Fee Revenue

The Clerk shall deposit all funds received from deposits or fees for processing annexation petitions into a special revenue fund for the purposes of paying expenses related to the processing of annexation petitions.

Section 3.1. Payment of Expenses

All expenses incurred in the processing of an annexation petition shall be paid from the special revenue fund created under Section 3.0.

Section 3.2 Maintenance of Records and Final Accounting of Fees Paid

The Clerk shall maintain an accurate and detailed accounting of all funds received and expended in processing each annexation petition filed pursuant to Chapter 709 of the ORC. The Clerk may issue invoices to the agent for the petitioners whenever it appears that adequate funds are not on deposit to pay expenses in accordance with the deposit and fee schedule contained in this resolution.

At the conclusion of the annexation proceeding for each petition, the Clerk shall make a final accounting of expenses incurred in processing the petition and shall render an invoice to the agent for the petitioners if adequate funds have not been received. In the event the funds received are in excess of final expenses, the Clerk shall cause any such excess to be refunded to the agent for the petitioners.

Voting AYE thereon: Mrs. Geissman, Mr. Bahr and Mr. Hambley

Adopted: April 29, 2002

	Clerk Supplies	Clerk Copies	Clerk Postage	Clerk Hours	Tax Maps Hours	Tax Maps Misc.	Planning Department	Court Reporter	Sheriff – subpoenas (criminal)
*** Regular (51% majority)	\$3.10	\$2.20	Types of Petitions For all Be \$2.20 75 cents Cost will Will cost Approval Rejections	\$21.70/hour 2 hours*	\$27.80/hour: 4 or less parcels 1 hr; 8 or more 3 hrs; ***4-8 parcels 2 hrs	\$2/pg/ plat (2); \$.50/pg/ petition (2); Avg. Misc. copies \$2-\$6	\$62.20/hour for contested petitions	\$45/hour plus \$3.10/pg transcribe	\$1/person plus \$1.30 for every 5 miles
Expedited Type 1	\$3.10	\$1.40		\$21.70/hour 1 hr. 15mins.	\$27.80/hour: 4 or less parcels 1 hr; 8 or more 3 hrs; ***4-8 parcels 2 hrs	\$2/pg/ plat (2); \$.50/pg/ petition (2); Avg. Misc. copies \$2-\$6		\$45/hour plus \$3.10/pg transcribe	\$1/person plus \$1.30 for every 5 miles
Expedited Type 2	\$3.10	\$1.40		\$21.70/hour 1 hr. 45mins.	\$27.80/hour: 4 or less parcels 1 hr; 8 or more 3 hrs; ***4-8 parcels 2 hrs	\$2/pg/ plat (2); \$.50/pg/ petition (2); Avg. Misc. copies \$2-\$6	\$62.20/hour for contested petitions	\$45/hour plus \$3.10/pg transcribe	\$1/person plus \$1.30 for every 5 miles
Expedited Type 3	\$3.10	\$2.20		\$21.70/hour 1 hr. 15mins.**	\$27.80/hour: 4 or less parcels 1 hr; 8 or more 3 hrs; ***4-8 parcels 2 hrs	\$2/pg/ plat (2); \$.50/pg/ petition (2); Avg. Misc. copies \$2-\$6	\$62.20/hour for contested petitions	\$45/hour plus \$3.10/pg transcribe	\$1/person plus \$1.30 for every 5 miles
Municipal	\$3.10	\$1.40		\$21.70/hour 1 hour	\$27.80/hour: 4 or less parcels 1 hr; 8 or more 3 hrs; ***4-8 parcels 2 hrs	\$2/pg/ plat (2); \$.50/pg/ petition (2); Avg. Misc. copies \$2-\$6		\$45/hour plus \$3.10/pg transcribe	\$1/person plus \$1.30 for every 5 miles

*Regular Annexation – with Court Reporter requested – add 15 minutes
Regular Annexation – with subpoenas needed – add 15 minutes
Regular Annexation – if appealed – add 30 minutes

**Expedited 3 Annexation – if hearing required – add 30 minutes
Expedited 3 Annexation – if appealed & court overturns – add 45 minutes
Expedited 3 Annexation – if appealed & court affirms – add 30 minutes

***Initial Deposit Based on These Costs.