RESOLUTION NO. 25-704

The Board of County Commissioners of Clinton County, Ohio, met in regular session on the 23rd day of June 2025 at the Office of the Board of County Commissioners, Clinton County Administrative Campus, Suite 208, Wilmington, Ohio with the following members present: Commissioner Brenda K. Woods, Commissioner Mike McCarty, and Commissioner Kerry R. Steed. Also present was Clerk Lisa Hipke.

A RESOLUTION AUTHORIZING A JOINT APPLICATION WITH THE CLINTON COUNTY PROSECUTOR TO EMPLOY SPECIAL LEGAL COUNSEL TO ASSIST IN THE REVIEW AND HANDLING OF CITIZEN COMPLAINTS, AFFIDAVITS, AND DERIVATIVE FILINGS INVOLVING POTENTIAL CONFLICTS OF INTEREST, PURSUANT TO R.C. 305.14 AND 305.30

WHEREAS, section 305.14 of the Ohio Revised Code authorizes the Board of County Commissioners, with the approval of the Court of Common Pleas and upon proper application jointly with the Prosecuting Attorney, to employ legal counsel to perform the duties of the Prosecuting Attorney in any matter of public business in which the Prosecutor is interested or adversely situated; and

WHEREAS, the Prosecuting Attorney has identified a category of citizen-initiated complaints and filings, including but not limited to affidavits submitted under R.C. 2935.09 and related memoranda, statements of fact, and correspondence, that raise legal claims or factual allegations against individuals and agencies to whom the Prosecutor owes current statutory duties or has had prior legal or supervisory responsibilities; and

WHEREAS, the Prosecuting Attorney has determined that in certain matters involving the Clinton County Sheriff's Office, the Board of County Commissioners, the Clinton County Engineer's Office, the Clerk of Courts, and the City of Wilmington, including its Police Department, Mayor's Office, City Council, the City Administration Office, Law Director's Office, and other associated municipal departments, he may be personally named, have previously served in a supervisory, legal advisory, or fiduciary capacity, or otherwise be disqualified from participation due to ethical, professional, or constitutional conflicts of interest; and

WHEREAS, to preserve institutional integrity and ensure compliance with the duties of the office, the Prosecutor has requested the appointment of outside legal counsel with the authority to fully assume the prosecutorial and advisory functions in those matters where a disqualifying conflict exists, as determined by the Prosecutor; and

WHEREAS, the Board of Commissioners and the Prosecuting Attorney have jointly identified the law firm of Teetor | Westfall, with principal attorneys Andrew N. Yosowitz, Esq. and DeGerald Edwards, Esq., as special legal counsel qualified to serve in this capacity, with the understanding that additional attorneys from the firm may be designated as needed based on subject matter expertise; and

WHEREAS, the Prosecutor and Teetor | Westfall have agreed to a not-to-exceed hourly rate, as outlined in a written engagement letter subject to court approval, to be maintained on file by the Board of County Commissioners office; now, therefore,

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CLINTON COUNTY, OHIO:

1. Authorization for Court Application.

The Board hereby authorizes and joins with the Clinton County Prosecuting Attorney in applying to the Clinton County Court of Common Pleas, pursuant to R.C. 305.14, for approval to employ the law firm of Teetor | Westfall, principally through Andrew N. Yosowitz, Esq. and DeGerald Edwards, Esq., and including any additional attorneys from the same firm as may be designated, to serve as special legal counsel for the purposes described herein.

2. Scope of Representation.

The appointed special legal counsel shall be authorized, upon written determination by the Clinton County Prosecuting Attorney that a conflict of interest exists, to assume all prosecutorial, investigative, and advisory duties related to the evaluation, response, or litigation of any filing, affidavit, complaint, or document submitted under R.C. 2935.09 or otherwise purporting to initiate a criminal investigation, prosecution, or derivative legal action concerning:

- Any elected official, officer, employee, agent, appointee, or representative of Clinton County, including but not limited to the Board of Commissioners, Sheriff, Engineer, Clerk of Courts, Treasurer, Coroner, Veterans Service Commission, Board of Elections, Board of Developmental Disabilities, Emergency Management Agency, or any county board, commission, office, department, or statutorily affiliated entity receiving legal services from or represented by the Prosecuting Attorney pursuant to Chapter 309 of the Revised Code;

- Any employee, appointee, or agent of the Clinton County Sheriff's Office, or any other law enforcement or corrections personnel operating under the jurisdiction or representation of the Prosecutor;

- Any current or former public official, employee, or contractor of the City of Wilmington, including but not limited to the Mayor, City Council, Police Department, City Administration Office, Law Director's Office, and any other municipal division, where the Prosecuting Attorney has had or currently holds any legal, supervisory, or fiduciary relationship;

- Any matter in which the Prosecuting Attorney is personally named, identified as a potential witness, or otherwise determines, in good faith, that prior official involvement, legal advisory service, or the appearance of partiality prevents the fair and objective exercise of the Prosecutor's duties.

This authorization expressly includes, but is not limited to, all current and future citizen complaints, affidavits, statements of fact, memoranda, derivative filings, supplementary submissions, public records disputes, and procedural or substantive legal matters, whether filed in a criminal, quasi-criminal, administrative, or investigative context.

The special counsel shall be further empowered to carry out all constitutional and statutory prosecutorial responsibilities in these matters, including:

- Screening under R.C. 2935.10(A);
- Communication and declination where appropriate;
- Initiation of charges or grand jury proceedings;
- Compliance, where legally required, with Article I, Section 10a of the Ohio Constitution ("Marsy's Law"), including providing notice, access, and participation rights to individuals who qualify as crime victims under applicable law;
- Participation in any related judicial, administrative, or enforcement proceedings arising from the filings described herein.

This authorization applies to all qualifying matters, whether initiated before or after the date of this Resolution, and shall remain in effect unless expressly limited by the terms of the engagement or by order of the Court. The authority conferred herein shall be self-executing upon written designation by the Prosecuting Attorney, and no additional action by the Board shall be required for each individual matter.

3. Compensation.

The Board acknowledges and approves the terms of compensation negotiated between the Prosecuting Attorney and Teetor | Westfall, subject to the Court's approval pursuant to R.C. 305.14. The engagement shall proceed at a not-to-exceed hourly rate, as memorialized in the engagement agreement.

4. Contract Execution.

Upon approval by the Court of Common Pleas, the Board of County Commissioners is hereby authorized pursuant to R.C. 305.30 to execute the engagement contract with Teetor | Westfall and to take all administrative steps necessary to implement and administer the same, including the execution of related documents or amendments not inconsistent with this Resolution and subject to approval as to legal form by the Prosecuting Attorney or designee.

5. Open Meetings Compliance.

All formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with R.C. 121.22 and all applicable laws.

Passed and adopted this 23 day of June, 2025.

BOARD OF COUNTY COMMISSIONERS, CLINTON COUNTY, OHIO

Brenda K. Woods, President

Kerry R. Steed, Vice President

Mike McCarty, Commissioner

ATTEST:

Lisa Hipke, Clerk