



Office of the Prosecuting Attorney Scioto County, Ohio

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Role of the Prosecutor's Office

- The Prosecutor's Office is legal counsel for board of county commissioners, board of elections, all other county officers and boards, and all tax-supported public libraries.
- The Prosecutor's Office is also the legal counsel for all township officers, boards, and commissions, unless the township has adopted a limited home rule government and has not entered into a contract with the Prosecutor's Office to serve as the township law director.

Role of the Prosecutor's Office

- Advises all township trustees, fiscal officers, boards, and commissions in matters connected to their official duties in the form of legal opinions
- Prepares legal documents needed by township officials
- Negotiates, drafts, and reviews contracts
- Initiates and defends civil actions and appeals on behalf of the townships in state and federal courts, as well as before administrative agencies

Role of the Prosecutor's Office

- Assists the County Auditor and Treasurer in the collection of delinquent taxes
 - County Auditor prepares a Delinquent Taxpayer Report on a yearly basis
 - Delinquent taxpayer may enter into contract with County Treasurer, and under specific circumstances with County Prosecutor, for payment of delinquent taxes (1) at any time prior to the adjudication of foreclosure or (2) the filing of a civil action pursuant to R.C. 4503.06

Role of the Prosecutor's Office **Delinquent Tax Collection**

- Courts are required to provide notice to political subdivisions, school districts, and land reutilization corporations in which the property is located
- Townships must file a petition with the Court within ten days from the issuance of the notification
- All right, title, and interest of former owner is transferred to and vested in the township
- CAVEAT: township takes title of the property subject to all liens and encumbrances against it

Role of the Prosecutor's Office **Delinquent Tax Collection**

- In counties where the Prosecutor's Office assists the County Treasurer and County Auditor in the collection of taxes, township officials (and local school officials) are typically in a good position to identify delinquent properties within the township that should be prioritized for a variety of reasons
- Where property does not sell at Sheriff's Sale after two attempts, it can be forfeited to the relevant political subdivision, school district, or county land reutilization corporation

Common Issues

- Complex contract issues
- Complex construction issues
- Sale and acquisition of real property
- Sale and acquisition of personal property, motor vehicles, and equipment
- Zoning issues
- Grant compliance advice
- Personal injury claims

Common Issues

- Personnel and labor issues
 - FMLA issues
 - ADA issues
 - FLSA issues
 - Employee benefits issues
 - Employee policies and procedures
 - Workers' compensation
 - Civil rights violations

Common Issues

- Sunshine Laws
 - Public records requests
 - Forward to Prosecutor's Office
 - Generally, transparency rules
 - However, some records are exempt from disclosure
 - Disclosure of certain documentation is prohibited
 - Generally, any denial of public records must be in writing and must include an explanation of legal authority
 - Redactions must be made plainly visible

Common Issues

- Open Meetings Act
 - Meeting definition - (1) pre-arranged gathering, (2) of a majority of members of the public body, (3) who are discussing public business

Common Issues

- Open Meetings Act
 - Notice of meetings
 - Regular meeting notices must include time and place of the meeting
 - Special meeting notices must be provided at least 24 hours in advance of the meeting and must include the time, place, and purpose of the meeting
 - Emergency meeting notices do not require 24-hour notice, but must include the time, place, and purpose of the meeting
 - Notice must be given to the news media that has requested notification
 - Any person, upon request and payment of a reasonable fee, may obtain reasonable, advance notification of all meetings at which any specific type of public business is to be discussed

Common Issues

- Open Meetings Act
 - Procedure for moving into executive session
 - Regular meeting must always begin and end in open session where public may be present
 - Motion on the record to move into executive session, followed by a second
 - Motion approved by a majority of a quorum using roll call votes
 - Specific purpose/topic for executive session must be in the motion (e.g., "I move to go into executive session to consider the promotion/compensation of a public employee.") and recorded
 - Roll call vote must be approved by majority of a quorum
 - Motion and vote recorded in meeting minutes

Common Issues

- Open Meetings Act
 - Proper reasons for executive session
 - Certain personnel matters (i.e., consider the appointment, employment, dismissal, discipline, promotion, demotion, compensation of a public employee/official)
 - Consider the investigation of charges and/or complaints against a public employee, official, licensee/regulated individual, unless the employee, official, licensee/regulated individual requests a public hearing
 - Purchase/sale of property

Common Issues

- Open Meetings Act
 - Proper reasons for executive session
 - Pending and/or imminent court action
 - Collective bargaining matters
 - Matters required to be kept confidential
 - Security matters
 - Confidential business information of an applicant for economic development assistance

Examples of Other Issues

- Insurance Liability Coverage Determination
 - Insurance policies require insureds to promptly give notice of claims
 - Can include when the insured becomes aware of factual circumstances that may give rise to a claim
 - Failure to provide timely notice can result in denial of coverage
 - Claims made vs. occurrence based policy differences
 - If concerned about a specific situation that could cause township liability, contact your Prosecutor's Office to fully consider the critical differences in timing for notice of claims vs. potential future claims

Examples of Other Issues

- Notice of Claims
 - Provide Prosecutor's Office with copy of all relevant policies
 - Review policy provisions governing notice carefully
 - Typically, must provide:
 - Nature of alleged wrongful acts
 - Names of potential claimants that may bring claim
 - Names of potential insured persons (including officers and employees) who may have committed wrongful acts, including contact information
 - Types of damages sought (e.g. compensatory, punitive, injunctive)
 - Circumstances by which township became aware of the potential claim

Examples of Other Issues

- Notice of Claims
 - Do not admit liability
 - Do not settle or make or promise any payment
 - Do not disclose you have notified or are intending to notify your insurance carrier
 - Do not take any action which might put your carrier at a disadvantage in handling your claim
 - It is not uncommon for your insurance carrier to provide you with an attorney prior to the filing of a lawsuit in attempt to limit your liability

Examples of Other Issues

- National Opioid Litigation
 - Assistance with determining proper use of settlement dollars in compliance with the OnOhio Memorandum of Understanding
 - Regional grant applications and funding
 - If you and your township neighbors have evidence-based, forward-looking strategies for the purposes of prevention, treatment, recovery, and abatement of substance use and co-occurring disorders, your Prosecutor's Office may be able to provide assistance in explaining OnOhio Abatement Strategies

Examples of Other Issues

- National Opioid Litigation
 - 55% of the funding goes directly to the OneOhio Recovery Foundation to develop and oversee the funding of short-term and long-term planning and supports that local communities need to continue to address this crisis
 - 30% of the funding goes directly to townships, villages, cities and counties in Ohio to support community recovery and address the immediate needs of residents
 - Direct payments to local governments are separate and distinct from those managed by the Foundation

Examples of Other Issues

- National Opioid Litigation
 - 15% goes to the State of Ohio to be used to leverage statewide buying power to offer prevention, treatment and recovery support services. Direct payments to the state are separate and distinct from those managed by the Foundation

OneOhio Recovery Regions



Role of the Prosecutor's Office

- Your Prosecutor's Office is available for much more than providing guidance on road, bridge and cemetery issues. Consider your Prosecutor's Office to be available to help you navigate your way through complicated matters that directly affect your township and the residents who you serve!

QUESTIONS?
