

Appendix A

A Resolution of the Board of Commissioners of _____ County Establishing Deposit and Fees Regulations for Cost Incurred in Annexation Proceedings

_____ moved to adopt the following resolution:

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, the effective date of SB 5 is October 26, 2001; and

WHEREAS, Section 709.014 (A) of the Ohio Revised Code (ORC) as enacted by SB 5 authorizes the Board of Commissioners of _____ 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 County Commissioners of _____ County 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 \$ _____.

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 \$ _____ 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.

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 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 _____ County.

Section 2.3 Fees for Transcription of Record of 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 Board of County Commissioners to be necessary to cover the costs of transcribing the record.

Section 2.4 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 sections 1.2, 2.0, 2.1, 2.2, and 2.3 of this resolution, fees shall be paid by the agent for the petitioner 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 petitioner, 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.

This resolution was seconded by _____.

Roll call vote:

_____	_____
_____	_____
_____	_____