



Administrative Rules Board
AGENDA
Thursday, February 6, 2025, 10:30 a.m.
Administrative Headquarters 2079 E. Ninth Street,
4th Floor – Committee Room B

The public may also view the meeting via live-stream by using the following link:
<https://www.youtube.com/cuyahogacounty>

1. CALL TO ORDER
2. ROLL CALL BY CLERK
3. APPROVAL OF PRIOR MEETING MINUTES
 - a. October 17, 2024
4. PUBLIC COMMENT RELATED TO THE AGENDA
5. ITEMS UNDER CONSIDERATION FOR ADOPTION (POTENTIALLY UNDER WAIVER OF TWO-READING RULE)

RESOLUTION NO.	REQUESTING ENTITY	RULE TITLE	ACTION
ARB2025-0001	Cuyahoga County Fiscal Office	Cuyahoga County Assigned Counsel Policy	Adopt permanent rule

6. MISCELLANEOUS BUSINESS
7. PUBLIC COMMENT UNRELATED TO THE AGENDA
8. ADJOURNMENT

Minutes from October 17, 2024



Administrative Rules Board
MINUTES
Thursday, October 17, 2024, 10:30 a.m.
Administrative Headquarters 2079 E. Ninth Street,
4th Floor – Committee Room B

1. CALL TO ORDER

Chair Manoloff called the meeting to order at 10:38am.

2. ROLL CALL BY CLERK

Rick Manoloff
Greg Huth
Walter Parfejewiec

Awatef Assad joined the meeting midway through the presentation of the first rule.

3. APPROVAL OF PRIOR MEETING MINUTES

a. October 3, 2024

Minutes from the October 3rd meeting were circulated to the committee on 10/15. Greg Huth motioned to approve the minutes; Walter Parfejewiec seconded. The motion was approved by all three members in attendance at the time of the motion.

4. PUBLIC COMMENT RELATED TO THE AGENDA

None

5. ITEMS UNDER CONSIDERATION FOR ADOPTION (POTENTIALLY UNDER WAIVER OF TWO-READING RULE)

RESOLUTION NO.	REQUESTING ENTITY	RULE TITLE	ACTION
ARB2024-0011	Cuyahoga County Fiscal Office	Uniform Guidance Policy	Adopt permanent rule
ARB2024-0012	Cuyahoga County Fiscal Office	Grant Funds Policy	Adopt permanent rule

Chair Manoloff reminded the Board that authorized individuals from the requesting entity are to attend the meeting to address the Board and answer relevant questions.

Leigh Tucker, Assistant Fiscal Officer, is the duly authorized representative for the rules submitted for consideration by the ARB at the 10/17 meeting.

ARB2024 – 0011

Ms. Tucker was in attendance to present on the Uniform Guidance Policy on behalf of the Cuyahoga County Fiscal Office. Ms. Tucker shared that the purpose of this policy is to provide uniform guidance for County Departments on monitoring grants from federal programs. This policy is directly taken from the federal government's current policy. The policy has been reviewed by external auditors as well as the previous Director of Internal Audit for Cuyahoga County. Once

formally adopted by the ARB, the policy will be submitted to the end user departments for detailed training.

This policy is mainly concerned with cash management and provides directions for the procurement, processing, and reporting on federal monies received by Cuyahoga County. Additional guidance is provided in this policy on monitoring subrecipients.

Ms. Tucker shared that this policy is formalizing processes.

Board members raised questions regarding subrecipient monitoring, looking for clarification about responsibilities of subrecipients and sub-sub recipients. Guidance is provided in the policy on instances of subrecipient utilization of dollars and who is at risk if a sub-sub recipient is misusing funds.

Awatef Assad shared her support for these policies, especially given the County's implementation of enterprise risk management practices. These policies will go a long way to mitigate financial enterprise risks in the County.

A recommendation was provided that on the additional checklist attachment, specifically the insurance item listed on the third page, the word City should be changed to County. Ms. Tucker agreed to make this edit.

Chair Manoloff reminded the Board that the standard of review is to determine if the requesting entity has the authority to adopt the rule and whether the proposed rule conflicts with the County Code. It was determined that both standards of review were met for this policy.

Ms. Tucker requested to suspend the two-reading rule for this policy because the County is consistently receiving federal funds and wants to be able to fulfill our audit requirements as quickly as possible.

Awatef Assad motioned to suspend the two-reading rule for the rationale supplied by Ms. Tucker; Greg Huth seconded the motion. The motion was unanimously approved by all four members in attendance.

Greg Huth motioned to adopt the proposed Uniform Guidance Policy; Awatef Assad seconded. The motion was unanimously approved by all four members in attendance.

ARB2024 – 0012

Ms. Tucker shared that the proposed Grant Funds Policy references all funding that is received by the County from all funding sources. She shared that this policy is procedural in nature and discusses grant monitoring, reporting, accepting grants, and all other associated actions in the grant process.

Board members asked how much the County receives in grants. Ms. Tucker estimated somewhere between \$20-\$30 million but she shared that she would circulate that confirmed number to Board members following the meeting.

Ms. Tucker shared that a formal grant policy did not previously exist and this proposed policy was authored by a committee of experienced employees from the Fiscal Office, led by Deputy Chief of Staff for Operations and Innovation, Katie Gallagher.

Ms. Tucker requested to suspend the two-reading rule for this policy because the County is consistently receiving grants and it is important to have this formal policy in place as quickly as possible.

Awatef Assad motioned to suspend the two-reading rule for this policy for the rationale supplied by Ms. Tucker; Greg Huth seconded. The motion was unanimously approved by all four members in attendance.

Awatef Assad motioned to adopt the proposed Grant Funds Policy; Greg Huth seconded. The motion was unanimously approved by all four members in attendance.

6. MISCELLANEOUS BUSINESS

None

7. PUBLIC COMMENT UNRELATED TO THE AGENDA

None

8. ADJOURNMENT

No rules were submitted to the Clerk for consideration at the 10/31 meeting by the rule submittal deadline. Chair Manoloff cancelled the 10/31 meeting due to lack of sufficient business pending before the Board.

Chair Manoloff adjourned this meeting at 11:10am

Cuyahoga County Fiscal Office
Cuyahoga County Assigned Counsel Policy

RULE GOVERNING REIMBURSEMENT OF APPOINTED-COUNSEL FEES

A. Background

The Office of the Ohio Public Defender (OPD) offers reimbursement to counties for their indigent defense costs, including costs to provide appointed counsel. After a county pays their indigent defense costs, a county may request reimbursement by submitting the requisite forms and documentation to the OPD. Reimbursement requests are limited to a collective submission per county each month. The OPD then audits each submission for compliance with the OPD Standards and Guidelines and calculates the allowable total cost for appointed counsel for a given monthly submission, and makes reimbursement for up to 100 percent of that amount pursuant to R.C. 120.33 and 120.35.

Counties are responsible for paying indigent defense costs, including the costs for appointed counsel and *guardian ad litem*. The County Fiscal Officer issues payment to the attorney or *guardian ad litem* after they have submitted the appropriate forms to the court, and the court has approved payment of the requested fees and expenses. After paying these fees and expenses, the county may seek reimbursement of the same from the OPD.

To receive reimbursement, the Cuyahoga County (“County”) must ensure all necessary materials are correctly completed and submitted to the OPD within the 90-day time limit specified in Ohio Revised Code Section 120.33(A)(4), unless an extension of time is otherwise granted by the OPD. Specifically, and with certain exceptions (see below) all requests for reimbursement are due to the OPD within 90 days after the end of the month in which the case was finally disposed of or terminated (last day in court or entry filed from the last day in court).

- **Example:** A case is terminated on Jan. 5, 2025. The request is due to the OPD by April 30, 2025 (90 days from the last day in January).

B. Purpose

Because the County is responsible for obtaining reimbursement from the State and must comply with the time limit specified in ORC 120.33(A)(4), OPD specifically authorizes local standards governing the appointed counsel fee billing and payment process. The purpose of the Rule is to allow the Cuyahoga County Fiscal Officer (“Fiscal Officer”) sufficient time to ensure compliance with all State-imposed standards in order to assure that payments made by the county will qualify for reimbursement from the OPD.

C. Rule

1. Subject to the exceptions specified below and to ensure the County’s compliance with

ORC 120.33(A)(4), all requests for reimbursement are due to the Fiscal Officer within 60 days after the end of the month in which the case was finally disposed of or terminated (last day in court or entry filed from the last day in court; see example above).

2. Exceptions

- a. Trial level - If the attorney intends to file a notice of appeal, a motion for a new trial, a motion for shock probation, or a motion for judicial release, the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) is due to the Fiscal Officer within 60 days after the end of the month in which the last hearing indicated on the form was held, or entry filed.
- b. Appellate level - Each Motion, Entry, and Certification for Appointed Counsel Fees form (OPD- 1026R) submitted is due to the Fiscal Officer within 60 days after the end of the month in which either the oral argument was held or the appellate decision was issued, as indicated on the form.
- c. Juvenile proceedings - In abuse, dependency, and neglect cases, where more than one hearing is held over an extended period of time, the attorney may submit individual Motion, Entry, and Certification for Appointed Counsel Fees forms (OPD-1026R) for the initial dispositional hearing, each subsequent annual review hearing, and any semi-annual review hearing, and is entitled to fees and expenses as outlined in section (J) of these standards. Each Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) submitted is due to the Fiscal Officer within 60 days after the end of the month in which the latest hearing indicated on the form was held.
- d. Attorney withdraws or is removed from a case - When an attorney either withdraws or is removed from a case, the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) is due to the Fiscal Officer within 60 days from the end of the month in which the attorney withdrew or was removed from the case.

3. All submissions shall include the following, as applicable:

Activity/Case Type	Form
All common pleas, municipal, appeals, juvenile, domestic relations, county courts, probate courts, and the Ohio Supreme Court	Motion, Entry, and Certification for Appointed Counsel Fees form (OPD- 1026R) and Itemized Fee Statement Continuation sheet (OPD-1027R), if needed
Transcript expenses	Clerk's/Auditor's Transcript Fee for an Indigent Defendant form (OPD-E-205)
Experts' expenses	Request for Court-Paid Experts and/or Expenses form (OPD-209)

Financial disclosure	Financial Disclosure form (OPD-206R) (Required in all cases)
Assigned counsel	Monthly Assigned Counsel Summary Report

Copies of and instructions for completing each form are included in the appendices of the OPD Standards and Guidelines for Appointed Counsel Reimbursement (“Standards”), available from the OPD. All forms must be completed in accordance with the most recent revision of the Standards.

- a. Forms submitted must be originals or photocopies of the forms as prescribed by the Standards or be produced using the software issued by the OPD.
 - b. Photocopies submitted in lieu of original forms must meet the following requirements:
 - a. All pages of the form must be included and must be in the proper order.
 - b. Copies must be of good quality and be of original size.
 - c. All forms for reimbursement must be fully and properly completed. Forms that are incomplete or are completed improperly will be denied for reimbursement in whole or in part, to the county.
 - d. The OPD makes available free software that will produce the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) and Itemized Fee Statement Continuation sheet (OPD-1027R). A copy of the software, in addition to pdf fillable forms, are available on the OPD website at opd.ohio.gov, under the [Appointed Counsel tab](#).
4. The County will not reimburse on submissions submitted beyond 60 days after the end of the month in which the case was finally disposed of or terminated.