

RESOLUTION APPROVING WAIVER OF REPRESENTATION OF THE BOARD OF COMMISSIONERS IN THE MATTER OF THE PROPOSED ANNEXATION OF CERTAIN TERRITORY IN THE TOWNSHIP OF ANDOVER TO THE VILLAGE OF ANDOVER, SHUTTLEWORTH, WLUDGYA, KNAPP AND DAY PROPERTIES, PERMANENT PARCEL NUMBERS 01-026-00-004-00, 01-026-00-007-00, 01-026-00-002-00, 01-026-00-003-00, 01-026-00-001-00

WHEREAS, the Ashtabula County Prosecutor's office has been asked to represent Andover Township in connection with the Andover Annexation petition filed pursuant to Ohio Revised Code Section 709.02 with the Ashtabula County Board of Commissioners on June 1, 2022; and

WHEREAS, Andover Township and the Ashtabula County Board of Commissioner consent to this representation and waive any objections to any conflicts of interest related to the Prosecutor's office representation of Andover Township regarding the matter; and

WHEREAS, the parties' consent and waiver is conditioned on the following:

1. Both parties understand and consent to the Prosecutor's continued representation of the Board on all unrelated matters on which it is currently engaged to represent the Board.
2. Both parties waive any objections to the Prosecutor's representation of Andover Township in the Andover Annexation matter.
3. If the relationship between the Board and Andover Township moves into litigation, arbitration, or a similar dispute with respect to Andover Annexation, the Prosecutor would continue to represent Andover Township. The Board would be required to retain outside counsel with respect to any subsequent litigation, arbitration or similar dispute.
4. Notwithstanding any consent or waiver provided by the Board or Andover Township, the Prosecutor will continue to protect confidential information learned during our representation of the Board and will not share this information with Andover Township; now

THEREFORE, BE IT RESOLVED, By the Board of Commissioners of Ashtabula County, Ohio, that the waiver of representation of the Ashtabula County Board of Commissioners in relation to the Andover Annexation is hereby approved.

**ASHTABULA COUNTY COMMISSIONERS
CERTIFICATION PAGE**

Resolution No. 2022-376

August 16, 2022

RESOLUTION APPROVING WAIVER OF REPRESENTATION OF THE BOARD OF COMMISSIONERS IN THE MATTER OF THE PROPOSED ANNEXATION OF CERTAIN TERRITORY IN THE TOWNSHIP OF ANDOVER TO THE VILLAGE OF ANDOVER, SHUTTLEWORTH, WLUDGYA, KNAPP AND DAY PROPERTIES, PERMANENT PARCEL NUMBERS 01-026-00-004-00, 01-026-00-007-00, 01-026-00-002-00, 01-026-00-003-00, 01-026-00-001-00

Upon the motion of Casey R. Kozlowski, seconded by Kathryn L. Whittington.

VOTE:

J.P. Ducro IV

Casey R. Kozlowski

Kathryn L. Whittington

Aye

Aye

Aye

CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution acted upon and duly passed by the Board of County Commissioners of Ashtabula County, Ohio, on the date noted above.



Lisa Hawkins, Clerk of the Board
Board of County Commissioners
Ashtabula County, Ohio

Chief Assistant, Criminal Div
Dawn P. Cantalamessa
Criminal Division
Gene Barrett
Omar L. Siddiq
Christopher R. Fortunato
Matthew Ameer
Matthew J. Hebebrand
Juvenile Court Division
Tamara A. Wetherholt
Children Services Division
Richard R. Danolfo
Civil Division
Catherine R. Colgan
Laura Pizmoht
Daniel F. Maynard
Jessica H. Fross
Appellate Division
Shelley M. Pratt



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(440) 994-6041
Civil Division Fax
(440) 576-3600
(440) 994-6021
Children Services Division
(440) 998-1811
Tax Division
(440) 576-3734
Victims/Witness Assistance
(440) 576-3523
(440) 576-3223

This confirms that the Ashtabula County Prosecutor's Office ("the Prosecutor") has been asked to represent Andover Township in connection with Andover Annexation petition ("Andover Annexation") filed pursuant to Ohio Revised Code 709.02 with the Ashtabula County Board of Commissioners ("the Board") on June 1, 2022. We request that the parties consent to this representation and waive any objections to any conflicts of interest related to our representation of Andover Township regarding this matter.

The parties' consent and waiver is conditioned on the following:

1. Both parties understand and consent to the Prosecutor's continued representation of the Board on all unrelated matters on which it is currently engaged to represent the Board.
2. Both parties waive any objections to the Prosecutor's representation of Andover Township in the Andover Annexation matter.
3. If the relationship between The Board and Andover Township moves into litigation, arbitration, or a similar dispute with respect to Andover Annexation, the Prosecutor would continue to represent Andover Township. The Board would be required to retain outside counsel with respect to any subsequent litigation, arbitration, or similar dispute.
4. Notwithstanding any consent or waiver provided by the Board or Andover Township, the Prosecutor will continue to protect confidential information learned during our representation of the Board and will not share this information with Andover Township.

Thank you for your willingness to consent to the Prosecutor's representation of Andover Township with respect to Andover Annexation. We ask that you sign below and return a copy of this letter with your signature signifying the Board's consent and waiver.

Sincerely,

Colleen M. O'Toole
Ashtabula County Prosecuting Attorney

