

Regular Meeting #16 - 2021
Fairfield County Commissioners' Office
April 13, 2021

Review

The Commissioners met at 9:00 a.m. to review legal issues and pending or future action items and correspondence. Commissioner Levacy called the meeting to order with the following Commissioners present: Jeff Fix, Steve Davis, and Dave Levacy. Also present were Carri Brown, Staci Knisley, Aundrea Cordle, Bill Vance, Tom Lininger, Josh Horacek, Jon Kochis, Ray Stemen, Judy Stemen, Audrey Stoffel, and Andrea Stem.

Attending virtually were: Amy Brown-Thompson, Britney Lee, Jessica Murpy, Jeff Porter, Dave Burgei, Ashley Arter, David Miller, Jon Slater, Jr., Jim Bahnsen, Donna Fox-Moore, Kevin Rowe, Nikki Drake, Tony Vogel, Dennis Keller, Corey Clark, Jason Dolin, Park Russell, Shannon Carter, Chris Wagner, Anthony Barbuto, Tony Howard, Jeff Camechis, James Shaw, and Lynette Barnhart; and other callers.

- Welcome

Commissioner Levacy welcomed everyone.

- COVID-19 Update

Jon Kochis, EMA Director, updated the Board of Commissioners on COVID-19 responses. Mr. Kochis reported that the vaccination process is running very well and smoothly. There are a few available appointments on Friday of this week and for the clinics next week. The Johnson & Johnson vaccine does not seem to be a reported issue in Fairfield County. Fairfield County received very little of the Johnson & Johnson vaccine. It has been reported that there are seven different strains of COVID-19 in central Ohio. There were 100 new cases reported over the weekend.

Commissioner Levacy reported that he has interacted with the Governor's Office relating to possibly adding vaccination sites with primary physicians which he believes is a key to helping the community.

Mr. Kochis stated that using primary physicians would be invaluable. This could increase our number of people being vaccinated. Currently about 1/3 of our population has started the vaccination process. We have vaccinated no children under 16 years of age. There is a combination of both immunity and vaccinations that could increase our percentage rate to 50-60%.

Mr. Fix asked for a breakdown of ages in Fairfield County that have been hospitalized.

Mr. Kochis will follow-up and report the information as it was not readily available.

Commissioner Davis believes that the demand is exceeding the supply currently based on anecdotal information from his sons and their experiences in getting appointments for the vaccine. In the near term we could run into a storage problem for the vaccines. Commissioner Davis promotes the message to get vaccinated, mask-up, and get back to life. He is not happy with the message to get vaccinated, mask-up, and not get back to life. The latter does not make sense to him, but the former does.

Commissioner Levacy cautioned he believed the Pfizer vaccine is more difficult to store and that would be something to address.

Mr. Kochis stated that the county will see a peak soon. They are in the process of working with the schools to vaccinate students who are 16-17-year-olds and older.

Mr. Kochis reiterated there have been no reports or events relating to the Johnson & Johnson vaccine given in Fairfield County. There have been reports of symptoms of anxiety.

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Dr. Brown reported that following the meeting last week, we were able to obtain some Pfizer vaccination doses, and those are available for those 16 and 17 years old and older. Also, we are able to provide some clinics to companies, and we are in the process of organizing a clinic for Mid-West Fabricating. EMA and the Board of Health have also coordinated with community partners to help with transportation.

The new state order of the ODH Director was in the review packet.

Also, for the *American Rescue Plan* and the fiscal recovery funds, there will be a fact sheet of the four main categories of uses. We will also alert community stakeholders to a future community planning opportunity, culminating in a revised strategic plan for 2022 forward. We have begun communicating about these requirements and will communicate more as more information is known.

The State Auditor issued a bulletin advised separate accountability for the Fiscal Recovery funds, and we anticipate a resolution to establish a new fund, document accounting objects, and establish appropriations within MUNIS. Dr. Brown will help Ms. Cordle prepare the resolution for the new fund. We await US Treasury guidelines.

The fact sheet for Ohio for the *American Jobs Plan* was in the review packet.

Dr. Brown also highlighted a *press release* from the Board of Health. They have selected a Health Commissioner, Joe Ebel, and we welcome Mr. Ebel to the Fairfield County community. We look forward to talking with Mr. Ebel in the future. We also congratulate Larry Hanna on his retirement and congratulate him on his lengthy public service.

- Legal Update

Mr. Josh Horacek stated he has nothing new to report.

- Administration and Budget Update/Carri's List

- a. Announcements

Dr. Brown announced that today is Thomas Jefferson Day. A quote shared was: "When angry count to ten before you speak. If very angry, count to one hundred."

Anyone can email or text a question anytime:

Carri.Brown@FairfieldCountyOhio.gov or (740) 777-8552

- b. Dates/Events of Interest

April 14 – Wear Blue for Child Abuse Prevention Awareness - Send pictures to wearblue@fcjfs.org

April 15 – 11:30 am State of the Schools Address, Lancaster City Schools

April 20 – Lunch n Learn – Economic Development

April 24 – Earth Day Celebration at Rising Park

April 27 – Commissioner Davis – Commissioner Connection video

The State of the County Address is scheduled for September 28 at the WigWam.

- c. Highlights of Resolutions

Dr. Brown highlighted 11 resolutions for the voting meeting.

We proposed a resolution to renew a participation agreement with the County Risk Sharing Authority ("CORS") – Mr. Porter will provide an update in a meeting later today, at 9:45 a.m.

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We also proposed a resolution to approve construction drawings for the City of Canal Winchester Roadway Improvement Project.

There were nine *financial and grant related resolutions* to approve:

- A fund-to-fund transfer for unclaimed funds processing;
- Amendments to the EDA revolving loan fund program documents;
- Memo expenses to pay BWC and for the County Engineer;
- A new special revenue fund for a Sheriff's grant for law enforcement training;
- Extending the repayment date for an advance for the Justice for Families grant;
- Appropriations from unappropriated funds for Commission organizational restructuring (a portion of salaries, related fringe benefits, and equipment/furniture & contracted services);
- Appropriations from unappropriated funds for the PA fund; and
- Payment of bills (including the CORSA bill).

There were financial and contracting resolutions (and administrative approvals) in queue. Also, on April 27, there are 10 proclamations but not all will need to be presented in person. Those to be presented in person are scheduled for that at 10:15 am.

Commissioner Davis reported that he spoke with Dr. Brown and Ms. Cordle relating to some additional thoughts about the American Rescue Plan. He commented that CARES Act funding was very restrictive at first. The guidance became less restrictive over time. In contrast, he would be surprised if restrictions for the American Rescue Plan were to be lifted. He asked Dr. Brown & Ms. Cordle to be mindful of the threat analysis. The consequences of the mistakes could lead to repayment of monies we do not have.

Commissioner Levacy agreed with Commissioner Davis. Relating to the past funding sources, he stated he had great confidence. He provided the example of the CARES Act management and stated he appreciated Dr. Brown's leadership with the CARES Act for Fairfield County and for many others.

Dr. Brown added that they will be using the SWOT analysis for strategic ways to operationalize the American Rescue Plan. (SWOT stands for Strengths, Weaknesses, Opportunities, & Threats) She noted the "T" in the analysis would be given rightful weight.

Commissioner Davis asked the Prosecutor's Office to be helpful in issuing opinions to ensure the monies would be used appropriately.

Assistant Prosecutor Joshua Horacek stated he would work thoroughly with both Dr. Brown and Ms. Cordle or legal analysis.

d. Administrative Approvals, Program, & Budget Update

- Administrative Approvals and Updates

Dr. Brown summarized the *administrative approvals* and referred to the list in the review packet. There were no questions posed.

Dr. Brown reported that through the process of *obtaining approvals* from the Lancaster Historic Commission and the BZA, we have been able to improve the mural concept. We have been able to keep our placemaking objectives for a positive message about fostering the future and supporting families in our Fairfield County community.

We have complied with the Lancaster Historic Commission requirement (from March 17) to reduce the lettering by at least 30%. From the meeting of April 6, 2021, with the BZA, we are ensuring that we will not exceed coverage of 70% of each wall to comply with the requirement of the BZA.

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And while not a requirement of the BZA, we are using the feedback from BZA member Lindy Jackson about alignment. We liked his thought and are making some additional minor changes.

The mural will include images that show *lived, diverse experiences honoring foster families and families as an institution*. This is an example of placemaking that honors community values and promotes a positive community culture.

The parking lot at the Records Center is often used by the public on the weekends and evenings. We anticipate an event post-pandemic for this mural and for the patriotic mural at Amstutz (perhaps in August). We will be sealing the mural in the same way that we sealed the patriotic mural at Amstutz. It is also encouraging to begin the creation of the mural during April, Child Abuse Prevention Month and County Awareness Month (with NACo).

Dr. Brown added that we are beginning to plan some *post-pandemic events*, such as open houses and wellness events. We will also highlight some community events from the VCB site:
<https://visitfairfieldcounty.org/event-calendar/>

The pandemic has brought about a sense of loneliness and isolation for many people. We want to provide some opportunities for connections within the community. Stay tuned as there will be more information about these plans.

Commissioner Davis and Dr. Brown will meet with Jim Marcinko and others to share ideas. That meeting is April 21st at 8 am at the Fairgrounds.

We appreciate the media articles about the *Lancaster Festival* articles and the safe activities they are planning.

- *Budget Update*
- A *quarterly update of the general fund budget* was presented last week. As of the end of March, revenues have increased about 2.8% while expenditures have decreased 5.7%; the carryover cash unencumbered was almost \$24 M at the end of the year, above the target. There are multiple variables to monitor.
- The *non-auto sales tax receipts* from February sales to be received in May for Fairfield County are estimated at \$1.38 M, or 8% above the previous year. The state collections are estimated at 4% above the previous year.
- The sales tax estimate for 2021 in Fairfield County is \$23.6 M, or 3% above the sales tax revenues of 2020.

Commissioner Levacy asked the county should have a point of caution related to the auto sales tax. The Honda plant shutdown for 2 weeks due to the pipelines shutting down and due to the major freeze in Texas. This could affect the auto sales tax for many entities.

- We continue to appreciate efforts to *increase the future reimbursement percentage* to counties for indigent defense.

Commissioner Davis stated that he would like to have firm reimbursement rates for a planning and budgetary standpoint. In 2020 the reimbursement rates were all over the place and were a result of the state changing their minds. There has been a lot of variance in the reimbursement rates.

Dr. Brown will send the Board an updated spreadsheet of the indigent defense reimbursement rates for references.

- As we think about *additional federal funding*, we will be keeping an eye on federal resources available for electronic charging stations and electronic vehicles. Most of the

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additional federal funding that is being discussed related to funding for roads, bridges, and broadband infrastructure. We have reached out to vendor partners of the energy conservation project to report potential delays in presentations based on a need to obtain more information about additional federal funding and to monitor interest rates.

e. BRAVOS

- Thank you to the County volunteers for their ongoing support of the vaccination clinics.
- Thanks for the *OMJ Partners for OMJ Day at the Workforce Center!* Thank you, Corey Clark and Rick Szabrak.
- Congratulations to the participants of the *NACo leadership academy* who are nearing graduation. We will recognize these leaders in a personal way. We believe there are more than 30 who will complete this first academy session.

Old Business

Commissioner Communications/Additional Updates

Commissioner Davis reported he has scheduled some speaking engagements and looks forward to them.

Commissioner Fix reported that he and Commissioner Levacy attended the 4-H annual banquet drive-thru event last week. He commented that it was cool to see the kids striving for excellence. It gives him hope for the future.

Commissioner Fix went on to report that he participated in Transportation Improvement District (TID) meetings. They will be meeting with ODOT officials in the next few weeks related to proposed interchanges. Commissioner Fix also reported that he is participating in ongoing meetings with a workgroup about the future of the Ohio University Pickerington Campus. He wanted to recognize Dean Jarrod Tudor for his outreach. Also, the State Treasurer's office is in town and is meeting with Fairfield County officials this week.

Commissioner Levacy returned to the topic of the 4-H banquets and stated they have been some of the most rewarding events he has attended. He has a sense of pride in the youth involved in 4H and our future.

Dr. Brown reported that on behalf of the Commission she attended the Holocaust Memorial led by Governor DeWine on April 8th. She commented it was a poignant remembrance ceremony to help cultivate knowledge because human memory can be somewhat of a fleeting thing.

New Business

(none)

General Correspondence

(none)

Invitations

- April 16 – CCAO Call (Call in Information Provided)
- April 22 – National Day of Prayer Ceremony
Commissioner Fix & Commissioner Levacy will attend

FYI

- Jail Population – 206
- Greenfield Township Zoning Meeting – April 21

Open Items from anyone in attendance

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Andrea Stem thanked the Commissioners for their time. Ms. Stem reviewed the doctrine of nullification and Ohio Revised Code 4731.34 & 4112.02. She reported that an Ashland County Judge has ruled Ohio does not have authority to issue or enforce mask mandates. Ms. Stem handed the Commissioners a packet, attached to minutes.

Audrey Stoffel reviewed vaccine reports and cases of problems with the vaccine. She wants to inform the public of all the facts so they can make an informed medical decision.

Meeting with Jeff Porter, Human Resources & Risk Management Director related to County Risk Sharing Authority (CORSA) renewal.

The Board of Commissioner met with Mr. Porter virtually at 9:55 a.m. Commissioners present were: Jeff Fix, Steve Davis, and Dave Levacy. Also present were Carri Brown, Staci Knisley, Aundrea Cordle, Bill Vance, Tom Liniger, Josh Horacek, Jon Kochis, Ray Stemen, Judy Stemen, Audrey Stoffel, and Andrea Stem.

Attending virtually were: Amy Brown-Thompson, Britney Lee, Jessica Murpy, Jeff Porter, Dave Burgei, Ashley Arter, David Miller, Jon Slater, Jr., Jim Bahnsen, Donna Fox-Moore, Kevin Rowe, Nikki Drake, Tony Vogel, Dennis Keller, Corey Clark, Jason Dolin, Park Russell, Shannon Carter, Chris Wagner, Anthony Barbuto, Tony Howard, Jeff Camechis, James Shaw, and Lynette Barnhart; and other callers.

Mr. Porter reported upon the CORSA activity for the year. The annual bill for CORSA was scheduled for approval after the meeting. We will be receiving a rebate later in the year.

Commissioner Davis asked if property insurance was included in the CORSA renewal.

Mr. Porter reported that property insurance was included with the comprehensive CORSA coverage. In general, all risk management is included. The county has just completed the process to evaluate real property and other items for insurance purposes.

Commissioners' Regular Meeting

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, April 13, 2021 beginning at 9:58 a.m., with the following Commissioners present: : Jeff Fix, Steve Davis, and Dave Levacy. Also present were Carri Brown, Staci Knisley, Aundrea Cordle, Bill Vance, Tom Liniger, Josh Horacek, Jon Kochis, Ray Stemen, Judy Stemen, Audrey Stoffel, Andrea Stem, and Jon Slater, Jr.

Attending virtually were: Amy Brown-Thompson, Britney Lee, Jessica Murpy, Jeff Porter, Dave Burgei, Ashley Arter, David Miller, Jim Bahnsen, Donna Fox-Moore, Kevin Rowe, Nikki Drake, Tony Vogel, Dennis Keller, Corey Clark, Jason Dolin, Park Russell, Shannon Carter, Chris Wagner, Anthony Barbuto, Tony Howard, Jeff Camechis, James Shaw, and Lynette Barnhart; and other callers.

Pledge of Allegiance

Commissioner Levacy asked everyone to rise as able, and he led the Pledge of Allegiance.

Announcements

Commissioner Levacy asked if there were any announcements.
Ms. Knisley had no announcements.

Public Comment

Commissioner Levacy asked if anyone from the public who would like to speak or offer comments.

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Judy Stemen, of 2444 West Point Road, Lancaster, expressed her views relating to the state not having authority over people's health. She is concerned with the vaccinations. She provided some documents to the Commissioners, attached to the minutes.

Approval of Minutes for Tuesday, April 6, 2021

On the motion of Jeff Fix and the second of Steve Davis, the Board of Commissioners voted to approve the minutes for the Tuesday, April 6, 2021 Regular Meeting.

Roll call vote of the motion resulted as follows:
Voting aye thereon: Jeff Fix, Steve Davis, and Dave Levacy

Approval of the Auditor's Resolutions

On the motion of Jeff Fix and the second of Steve Davis, the Board of Commissioners voted to approve the following Auditor's resolutions:

- 2021-04.13.a A resolution authorizing a fund to fund transfer. Auditor – Fund 1080
[Auditor- Finance]
- 2021-04.13.b A resolution to approve the allocation of employer BWC Prospective
Premium paid in January 2021 as memo expenditures for various
funds/orgs.[Auditor- Payroll]

Roll call vote of the motion resulted as follows:
Voting aye thereon: Jeff Fix, Steve Davis, and Dave Levacy

Approval of the Commissioners' Resolution

On the motion of Jeff Fix and the second of Steve Davis, the Board of Commissioners voted to approve the following Commissioners' resolutions:

- 2021-04.13.c A resolution to appropriate from unappropriated funds in a major
expenditure object category for fund# 1001 - Fairfield County
Commissioners

Roll call vote of the motion resulted as follows:
Voting aye thereon: Jeff Fix, Steve Davis, and Dave Levacy

Approval of the Domestic Relations Court Resolution

On the motion of Jeff Fix and the second of Steve Davis, the Board of Commissioners voted to approve the following Domestic Relations Court resolution:

- 2021-04.13.d A resolution authorizing the approval to extend repayment date for the
advance of funds – Fund # 2848 Justice for Families Grant Program.
[Domestic Relations Court]

Roll call vote of the motion resulted as follows:
Voting aye thereon: Jeff Fix, Steve Davis, and Dave Levacy

Approval of the Economic Development Resolution

On the motion of Jeff Fix and the second of Steve Davis, the Board of Commissioners voted to approve the following Economic Development resolution:

- 2021-04.13.e A resolution to approve an amendment to the Fairfield County
CARESACT Recovery Assistance RLF. [Economic & Workforce

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Development]

Roll call vote of the motion resulted as follows:

Voting aye thereon: Jeff Fix, Steve Davis, and Dave Levacy

Approval of the Engineer's Resolutions

On the motion of Jeff Fix and the second of Steve Davis, the Board of Commissioners voted to approve the following Engineer's resolutions:

- | | |
|--------------|--|
| 2021-04.13.f | A resolution to approve the Construction Drawings for the City of Canal Winchester Roadway Improvement Project. [Engineer] |
| 2021-04.13.g | A resolution to request for appropriations for additional unanticipated receipts of Memo receipts and memo expenses for fund 2050 for annual inspections in various subdivisions as of 4/9/21 [Engineer] |

Roll call vote of the motion resulted as follows:

Voting aye thereon: Jeff Fix, Steve Davis, and Dave Levacy

Approval of the Human Resources & Risk Management Resolution

On the motion of Jeff Fix and the second of Steve Davis, the Board of Commissioners voted to approve the following Human Resources & Risk Management resolution:

- | | |
|--------------|--|
| 2021-04.13.h | A resolution to approve a Participation Agreement with the County Risk Sharing Authority ("CORSA")– Fairfield County Commissioners' [Fairfield County Human Resources] |
|--------------|--|

Roll call vote of the motion resulted as follows:

Voting aye thereon: Jeff Fix, Steve Davis, and Dave Levacy

Approval of the Job and Family Services Resolution

On the motion of Jeff Fix and the second of Steve Davis, the Board of Commissioners voted to approve the following Job and Family Services Resolution:

- | | |
|--------------|---|
| 2021-04.13.i | A resolution to approve additional appropriations by appropriating from unappropriated into a major expense object category – Fund # 2018 – Public Assistance Fund - Fairfield County JFS [JFS] |
|--------------|---|

Roll call vote of the motion resulted as follows:

Voting aye thereon: Jeff Fix, Steve Davis, and Dave Levacy

Approval of the Sheriff's Office Resolution

On the motion of Jeff Fix and the second of Steve Davis, the Board of Commissioners voted to approve the following Sheriff's Office Resolution:

- | | |
|--------------|--|
| 2021-04.13.j | A resolution to authorize the establishment of a new fund for the Sheriff's Office [Sheriff] |
|--------------|--|

Roll call vote of the motion resulted as follows:

Voting aye thereon: Jeff Fix, Steve Davis, and Dave Levacy

Approval of the Payment of Bills Resolution

On the motion of Jeff Fix and the second of Steve Davis, the Board of Commissioners voted to approve the following Payment of Bills Resolution:

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2021-04.13.k A resolution authorizing the approval of payment of invoices for departments that need Board of Commissioners' approval

Discussion: Dr. Brown reported that the bill list consisted of the payment for the CORSA renewal and a minor reimbursement to Dr. Brown for a fee she paid directly to NACo.

Roll call vote of the motion resulted as follows:
Voting aye thereon: Jeff Fix, Steve Davis, and Dave Levacy

Adjournment

With no further business, on the motion of Jeff Fix and a second of Steve Davis, the Board of Commissioners voted to adjourn at 10:08 a.m.


Roll call vote of the motion resulted as follows:

Voting aye thereon: Jeff Fix, Steve Davis, and Dave Levacy

The next Regular Meeting is scheduled for Tuesday, April 20, 2021 at 9:00 a.m.

Motion by: Jeff Fix Seconded by: Steve Davis
that the April 13, 2021 minutes were approved by the following vote:

YEAS: Fix, Davis, Levacy NAYS: None
ABSTENTIONS: None
*Approved on April 20, 2021



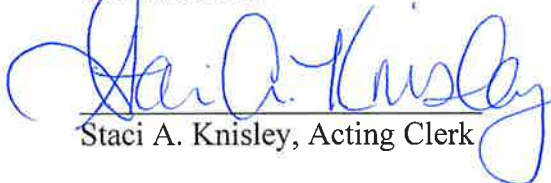
Steven A. Davis
Commissioner



Dave Levacy
Commissioner



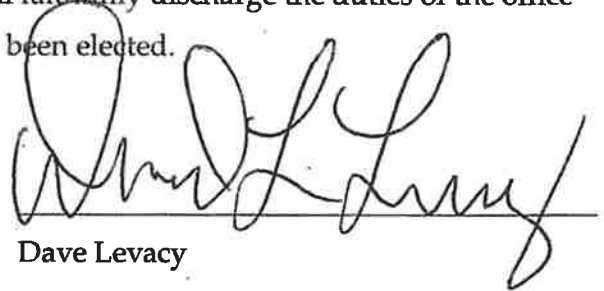
Jeff Fix
Commissioner



Staci A. Knisley, Acting Clerk


OATH OF OFFICE
FOR
FAIRFIELD COUNTY COMMISSIONER
TERM BEGINNING JANUARY 2, 2021

I, Dave Levacy, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Ohio, and that I will faithfully discharge the duties of the office of Fairfield County Commissioner to which I have been elected.



Dave Levacy

Sworn to and subscribed be for me this 8 day of December,
2020.



Judge Terre L. Vandervoort
Fairfield County Juvenile and Probate Court

THANK YOU FOR YOUR TIME!

I have been doing some research and I have found out some interesting information, that you may or may not be aware of.

First, let us remember that we are bottom up government and NOT a top down government. I would like everyone here to know about the Doctrine of Nullification. It states that the Governor does NOT make the law.

I am here to speak to you about our God given freedoms in America, when you were elected to office, you took an oath before God to defend the Ohio and US Constitutions. These documents represent the law and only legislative bodies can make laws. Governor and Health departments mandates are NOT law!

A face mask is legally designated as a "medical device" by the FDA food, drug and Cosmetic Act, Section 201 (h) Definition #2 Therefore in every state, Including Ohio, face masks are regulated as a medical device. Even just recommending that someone wear a regulated medical device (mask) is the unlicensed practice of medicine. According to ORC 4731.34 this violation is a 5 th degree felony!

Forcing a customer to wear a mask to enter a business is illegal under the Federal civil rights law, title 2, which requires that as a place of public accommodation a business must provide free and equal access to all service and facilities, without discrimination, ORC 4112.02 further prohibits a business from preventing entry to the full enjoyment of that business's establishment, as NO law has been broken.

Current health mandates are not only NOT law but they VIOLATE the true law. So my question to you is: what are your Plans to obey the real law, and keep your oath of office and protect and restore our citizen's God given freedoms to allow them to choose whether or not to reopen their business, churches, and schools without these unlawful restrictions?

Which brings me to my final point:

Counties have the ability and responsibility to pass an ordinance in writing and place that ordinance in county charters that states they will not obey any mandate or unconstitutional law that is handed down by the state or federal government.

It is your obligation/responsibility to pass an ordinance for our county and fellow neighbors, per the oath that you took and signed.

-Andrea Stem

**IN THE COURT OF COMMON PLEAS, ASHLAND COUNTY, OHIO
GENERAL DIVISION**

CATTLEMANS INC , ET AL,

Plaintiff,

CASE NO. 20-CIV-104

vs.

**ASHLAND COUNTY HEALTH
DEPARTMENT , ET AL,**

Defendant.

JUDGMENT ENTRY

This matter came before the Court for a bench trial on September 25, 2020 and September 30, 2020 on Plaintiff's August 7, 2020 Complaint for Declaratory Judgment and Injunctive Relief. The bench trial was conducted by remote video with all parties participating. Upon the conclusion of the bench trial, the Court requested post-hearing legal memoranda from counsel. Defendant submitted its initial post-hearing memorandum on November 12, 2020. Plaintiff filed its post-hearing memorandum on November 19, 2020, and Defendant then filed a reply memorandum on November 25, 2020.

FACTUAL BACKGROUND

In the prayer for relief in their Complaint, Plaintiffs' request:

1. A permanent injunction prohibiting enforcement of a July 15, 2020 Cease and Desist Order issued by Defendants, or any materially identical order against Plaintiffs so long as Plaintiffs abide by the general safety strictures articulated in

Chapters 3717 of both the Ohio Revised Code and the Ohio Administrative Code;

2. A permanent injunction prohibiting Defendants or their agents from suspending business licenses (food service licenses) predicated solely on violations of the *Dine Safe Ohio Order*, including masking requirements;
3. A permanent injunction prohibiting Defendants and Defendants' agents from enforcing any Ohio Director of Health Order issued pursuant to R.C. 3701.13 to suspend business licenses (food service licenses);
4. A judgment entry declaring the Ashland County Health Department July 15, 2020 Cease and Desist Order is constitutionally and statutorily impermissible;
5. A permanent injunction prohibiting Defendants from enforcing penalties for non-compliance with any state or local order, or any other non-statutory limit, so long as Plaintiffs operate within the limits of the Ohio Revised Code and adhere to otherwise generally-appliable safety guidelines;
6. A judgment entry declaring Defendants' suspension of Plaintiffs' food service license without a prior hearing or prompt post-deprivation hearing violates Plaintiff's right to procedural due process under the Ohio Constitution; and
7. A judgment entry awarding Plaintiffs their costs, actual damages, nominal damages, and expenses incurred in bringing this action, including reasonable attorney fees, pursuant to R.C. 2335.39.

Defendants, in their responses to Plaintiffs' Complaint, filed a Settlement Memorandum (filed August 21, 2020) and a Motion to Dismiss (filed September 3,

2020). No settlement occurred and the Motion to Dismiss asserted, among other things, the following:

1. The cease-and-desist order was withdrawn by Defendants and Plaintiffs' food service license was reinstated, thereby ending the controversy;
2. That Plaintiffs' have failed to exhaust their administrative remedies;
3. Plaintiffs have failed to serve the Ohio Attorney General as required by R.C. 2721.12(A) and is therefore not entitled to any declaratory judgment relief as to the constitutionality of the Dine Safe Ohio Director of Health Order, R.C. 3701.13 or any other administrative regulations or Health Department Orders issued pursuant to R.C. 3701.13; and
4. No damages can be recovered for the alleged violations of the Ohio Constitution since no private cause of action is afforded under Article 1, Sections 1, 2, 16, 19 and 20, or Article II, Section 1.

Defendants conceded that the Court could assess court costs to the Defendants upon resolution of this matter. Defendants did not file an Answer to Plaintiffs' Complaint.

The *Dine Safe Ohio* Order issued by Ohio Department of Health Director Amy Acton on June 5, 2020, and a subsequent Ohio Department of Health Order regarding the general mandatory wearing of facial coverings issued by Interim Ohio Department of Health Director Lance D. Himes on July 23, 2020 were both stated to be issued pursuant to the authority granted the Ohio Director of Health in R.C. 3701.13 to "make special orders...for preventing the spread of contagious or infections diseases."

This dispute arose when the Ashland County Health Department, through its Director, issued a cease-and-desist order asserting violations by Plaintiffs of the *Dine*

Safe Ohio Order as issued by the Ohio Director of Health, Amy Acton. It was thereafter alleged by Defendants that Plaintiffs failed to comply with the terms of the cease-and-desist order, as well as the provisions of the *Dine Safe Ohio* Order, although Plaintiffs dispute that claim. At the direction of Heather Reffett, Ashland County Director of Health, the food service license of Plaintiffs' restaurant business was revoked, without any meaningful opportunity for a pre- or post-revocation hearing. There was no meaningful evidence presented to this Court to support a finding that the license revocation (without a meaningful opportunity for hearing) was based on an immediate danger to public health as required by R.C. 3717.49.

As a result of the license revocation, Plaintiffs initiated this cause of action, and the Court issued a temporary restraining order: precluding Defendants from enforcing the July 15, 2020 cease-and desist order; reinstating the Plaintiffs' food service license; and permitting Plaintiffs to legally operate their food service business pending further order of the Court.

Following the issuance of the temporary restraining order, the Parties agreed to the terms of a stipulated judgment entry regulating the conduct of the parties for the remaining pendency of this matter. That judgment entry, which was filed on August 28, 2020, and further set forth an agreement as to method/procedure for final resolution of the pending matter.

The Court conducted a bench trial on September 25, 2020 and September 30, 2020. During the bench trial, Defendants conceded and stipulated that no further enforcement action would be taken in the future by Defendants based on any of the findings, facts, or circumstances leading to the July 15, 2020 cease-and-desist order, and that Plaintiffs'

food service license was fully reinstated and would remain so consistent with the prior orders of the Court.

LAW AND DECISION

An injunction is an extraordinary remedy, equitable in nature, that should only be granted when there is no adequate remedy at law, and where it is necessary to prevent a future wrong that the law cannot. To be entitled to an injunction, Plaintiffs must demonstrate by clear and convincing evidence that (1) the plaintiff will suffer irreparable injury if the injunction is not granted, (2) the rights of third parties will not be unjustifiably harmed if the injunction is granted, and (3) the injunction will serve the public interest. *Szuch v. FirstEnergy Nuclear Operating Co.*, 2016-Ohio-620, P56, 60 N.E.3d 494, 510, 2016 Ohio App. LEXIS 539, *34-35 *Arndt v. P & M Ltd.*, 11th Dist. No. 2007-P-0037, 2008-Ohio 2316; *Novy v. Ferrara*, 11th Dist. No. 2013-P-0063, 2014-Ohio-1776; *Szuch v. FirstEnergy Nuclear Operating Co.*, 2016-Ohio-620, 60 N.E.3rd 494 (6th Dist.).

This proceeding is not a proceeding pursuant to 42 USC § 1983. There is no authority granting Plaintiffs a cause of action for damages arising from this proceeding asserting a violation of the Ohio Constitution. *Autumn Care Ctr., Inc. v. Todd*, 2014-Ohio-5235, 22 N.E.3d 1105 (5th Dist.); *PDU, Inc. v. City of Cleveland*, 8th Dist. No. 81944, 2003-Ohio-3671.

Despite Defendants' contention that the food service license was suspended pursuant to R.C. 3717.49(C)(1), the basis for the suspension was non-compliance with the *Dine Safe Ohio* Order. R.C. 3713.49(C)(1) only sets forth the ability to revoke a license without hearing upon the finding of an immediate danger to public health. This Court finds and determines that "an immediate danger to public health" was never

factually established nor scientifically demonstrated in this case, nor in support of the actions of the Ashland County Health Department.

The nature of this case is not one new to the courts in Ohio. Similar cases raising similar challenges to COVID-19-related orders of the Director of the Ohio Department of Health have met challenge in Lake County, Ohio [*Rock House Fitness, Inc. et al. v. Amy Acton, Director of the Ohio Dept. of Health, et al.*, Lake C.P. No. 20CV000631 (May 20, 2020)], and Erie County, Ohio [*ILMV DEV SPE, LLC, DBA Kalahari Resorts & Conventions, et al. v. Amy Acton, et al.*, Erie C.P. No. 2020-CV-0201]. In those cases, the respective courts found the COVID-19 related orders of the Ohio Department of Health to be unconstitutional, whether authorized by R.C. 3701.13 or arguably R.C. 3701.14(A). While this Court generally agrees with the positions expressed by the common pleas courts of both Lake County and Erie County, it is more inclined to agree with the Erie County Common Pleas Court that R.C. 3701.13 grants no authority to the Director of the Ohio Department of Health to issue or enforce mandatory mask, social distancing, or other similar type orders since there is *no* stated or implied authority in R.C. 3701.13 which authorizes any action to prevent the spread of contagious or infectious disease (the orders' express purpose). Under R.C. 3701.13, the Ohio Department of Health only has ultimate authority in matters of **quarantine and isolation**. Furthermore, the orders at issue in Erie County, Lake County, as well as the *Dine Safe Ohio* Order in this case, fail to accomplish anything scientifically demonstrable, or otherwise corroborated with empirical data, to prevent the spread of contagious or infectious disease even if that purpose were authorized by R.C. 3701.13.

That being said; this Court does not believe it needs to render a lengthy decision on the lack of validity of the Ohio Department of Health mask mandates or the *Dine Safe Ohio* Order, since in this case, there is no justiciable issue remaining.

This case was initiated due to what this Court finds to be improper conduct on the part of the Director of the Ashland County Department of Health. However, the improper conduct has been cured and the ability of Plaintiffs to operate their food service establishment was reinstated. Contrary to the assertions of Plaintiffs, the fact that there remains an asserted claim for damages does not cause the justiciability of the declaratory judgment causes of action to survive, when that asserted claim for damages is not a matter for which this Court can exercise jurisdiction. This Court has no authority to award damages in this matter.

And as conceded by Plaintiffs, despite being given repeated opportunity to join the Ohio Attorney General as a party in this matter, or to otherwise serve the Attorney General with summons and notice of the proceeding, Plaintiffs have declined to do so, thereby denying this Court jurisdiction to issue declaratory judgments regarding the orders of the Ohio Department of Health. R.C. 2721.12(A); *Avery v. Rossford Ohio Transportation Improvement Dist.*, 145 Ohio App.3d 155; 2001 Ohio App. LEXIS 3443 (6th Dist. 2001).

Regarding injunctive relief, with the concessions already made by the Ashland County Department of Health, this Court cannot make the requisite finding that Plaintiffs will suffer irreparable harm if an injunction is not granted, since there is no pending enforcement action currently being pursued against Plaintiffs by the Ashland County Department of Health, there is no current threat of enforcement, and the food service

licensure of Plaintiffs has been restored. Under current circumstances, Plaintiffs are operating as they were prior to the cease-and-desist order and should not be subject to any further enforcement action. As the position of this Court has been made known, any further attempt to enforce Ohio Department of Health Orders relating to COVID-19 mask restrictions, will likely result in further restraint of any such attempt.

Consistent with this opinion, the Court finds there is no justiciable controversy currently pending, hereby dismisses the Complaint of Plaintiffs, but assesses the costs of these proceedings to the Defendants.

It is so ordered.


R

OATH OF OFFICE
FOR
FAIRFIELD COUNTY COMMISSIONER
TERM BEGINNING JANUARY 3, 2021

I, Steven A. Davis, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Ohio, and that I will faithfully discharge the duties of the office of Fairfield County Commissioner to which I have been elected.



Steven A. Davis

Sworn to and subscribed be for me this 8 day of December,
2020.



Judge Terre L. Vandervoort

Fairfield County Juvenile and Probate Court

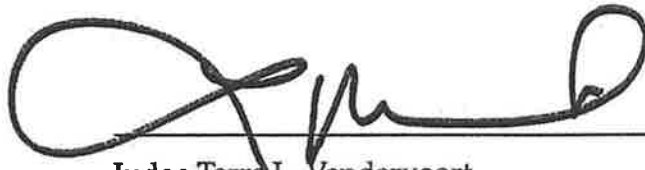
OATH OF OFFICE
FOR
FAIRFIELD COUNTY COMMISSIONER
TERM BEGINNING JANUARY 1, 2019

I, Jeffrey Fix, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Ohio, and that I will faithfully discharge the duties of the office of Fairfield County Commissioner to which I have been elected.



Jeffrey Fix

Sworn to and subscribed be for me this 11th day of Dec.,
2018.



Judge Terre L. Vandervoort

Fairfield County Juvenile and Probate Court

MANY TRUTHS ABOUT COVID INJECTION:

Christian champion warns of COVID vaccines using cell line from abortion

'We must hold fast to the immeasurable value of all human life'

By

Published **April 11, 2021** at 11:36am

James Dobson, the founder of the James Dobson Family Institute, the host of the "Family Talk" radio programs and an adviser on faith issues to multiple presidents, says it's good that American ingenuity, led by President Trump's "Operation Warp Speed," worked so quickly to develop COVID-19 vaccines.

However, he said in a statement, including himself and Drs. Roy Stringfellow and Joe McIlhane, that Johnson and Johnson and AstraZeneca are using fetal cell lines.

"We and the ministry of the James Dobson Family Institute, and all who are pro-life, must demand that the researchers and the producers of vaccines put every possible effort into developing alternative cell lines that do not depend in any way on the use of human fetal tissue," the statement said.

"We urge you to educate yourself on the relevant issues associated with the COVID-19 vaccines. The Charlotte Lozier Institute has compiled a number of helpful online resources.

"We must hold fast to the inherent and immeasurable value of all human life," the statement said.

Two other vaccines, from Moderna and Pfizer, did not use the cell line in their vaccine production, the statement said.

"However, all four companies used the cell line in laboratory evaluation for effectiveness. We commend Moderna and Pfizer for not using the cell line for the actual production of their vaccines. There are no human fetal cells of any sort in those two vaccines. Many lives have already been saved through the use of these vaccinations," the statement said.

"Still, it remains troubling that these companies — and others in the medical, cosmetic, and food industries—have in some manner used cell lines derived originally from an aborted human fetus in their research and development. There are now other options for developing a cell line that do not utilize aborted fetal tissue. Examples include the use of non-human animal tissue, or tissue derived from post-delivery human cord blood or placental tissue."

In response to COVID-19, the statement said, a "terrible virus which was killing literally thousands of Americans daily, speed was of the essence."

"For that reason, the labs fell back on the proven and available cell line already in use for decades. Time simply did not allow the research needed to develop a new cell line when each day of delay would result in thousands of deaths."

The statement said much progress has been made.

"We are now rapidly approaching 'herd immunity,' which will allow so many lives to be saved and a gradual return to normalcy."

The statement identified the offending cell line as one that was "derived 35 years ago from eye cells of an 18 week-old fetus, aborted electively for 'social reasons.' While this cell line, after just a few divisions in cell culture over three decades ago, was altered to a non-human cell type, and the current cell line used in these vaccines does not contain human fetal cells, still, the original development of this line is disturbing."

The statement said, "As we seek to protect humankind and eradicate this COVID-19 virus, may we always do so in a manner that honors God and uplifts the sanctity of all life."

TRENDING:

Pentagon scientist unveils new COVID biochip implanted under the skin

By
Published **April 12, 2021** at 12:33pm

Print

<https://www.wnd.com/2021/04/pentagon-scientist-reveals-new-covid-monitoring-device-gets-implanted-skin/>

Technology and medicine could produce an implant that allows a person's health to be tracked.

Retired Col. Matt Hepburn, who worked for years with the Defense Advanced Research Projects Agency, talked about the project in an interview that aired Sunday on the show "60 Minutes."

Hepburn -- who still works for the Army as a physician and as "joint product lead," according to his page -- showed off the implant to Bill Whitaker of CBS, who noted how the device could be used.

"Consider a ship like the USS Theodore Roosevelt -- hobbled last year when 1,271 crew members tested positive for the coronavirus. What if everyone on board had their health monitored with this subdermal implant, now in late-stage testing?" Whitaker said. "It's not some dreaded government microchip to track your every move, but a tissue-like gel engineered to continuously test your blood."

"It's a sensor," Hepburn said, displaying one of the creations.

"That tiny green thing in there, you put it underneath your skin and what that tells you is that there are chemical reactions going on inside the body and that signal means you are going to have symptoms tomorrow," he said.

Hepburn likened the sensor to the "check engine" light on a .

"Sailors would get the signal, then self-administer a blood draw and test themselves on site," he said.

Results would be almost instant, he said.

"We can have that information in three to five minutes," Hepburn said.

"As you truncate that time, as you diagnose and treat, what you do is you stop the infection in its tracks."

The news outlet outlined how an implanted sensor developed by the company Profusa, which is funded by DARPA, would work.

"The sensor has two parts. One is a 3mm string of hydrogel, a material whose network of polymer chains is used in some contact lenses and other implants. Inserted under the skin with a syringe, the string includes a specially engineered molecule that sends a fluorescent signal outside of the body when the body begins to fight an infection," the report said.

"The other part is an electronic component attached to the skin. It sends light through the skin, detects the fluorescent signal and generates another signal that the wearer can send to a doctor, website, etc. It's like a blood lab on the skin that can pick up the body's response to illness before the presence of other symptoms, like coughing." Last year, many social media users

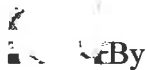
spread claims that Microsoft founder proposed implanting microchips in everyone to stop the coronavirus. later ruled that claim was false.

PAN-DEMONIUM

Federal government at heart of 'vaccine passport' movement

'This kind of system will play a role in multiple aspects of life'

 By



Published April 10, 2021 at 3:10pm

<https://www.wnd.com/2021/04/federal-government-heart-vaccine-passport-movement/>

'Smart mask' to monitor every breath you take

Will control all physical movements of its wearers

April 10, 2021 at 2:41pm

To mask or not? Physician calls them 'a ticking time bomb'

Dangers to health, life and environment adding up

<https://www.wnd.com/2021/04/mask-not-physician-calls-ticking-time-bomb/>

COVID-19 vaccine has 'clear association' with brain blood clots

Sent: April 6, 2021, 9:22:45 PM EDT

Subject: European Union: COVID-19 vaccine has 'clear association' with brain blood clots

It's sad that this vaccine which has not received 'complete' and 'thorough' testing.....AND which does not receive full approval of CDC and now even WHO.....is being pushed on so many of our citizens here in USA. AND that J Biden is wanting to make it mandatory. WAKE UP AMERICA!!!!!!!!!!!!

Went to our county commissioners' meeting today where more citizens are beginning to attend and 'speak up'. And we understand that this is taking place in MANY counties across America. We heard where our county health department was so 'pleased' with the numbers of people that are taking it.

P.S. I know that some of you already know this info...so pass it on to those who don't!

European Union: COVID-19 vaccine has 'clear association' with brain blood clots

'We still do not know what causes this reaction'By

Published April 6, 2021 at 4:28pm

<https://www.weeklyblitz.net/news/european-union-sees-clear-association-between-vaccine-and-blood-clots/>

Crystal Tyler, pharmacy technician, prepares an injection for an Operation Warp Speed patient volunteer at Brooke Army Medical Center, Fort Sam Houston, Texas, November 16, 2020. BAMC and Wilford Hall Ambulatory Surgical Center are participating in the Phase III trial to evaluate the vaccine under development by AstraZeneca as part of a national initiative to accelerate the development, production and distribution of COVID-19 vaccines, therapeutics and diagnostics. (U.S. Army photo by Jason W. Edwards)

Germany, France, Italy, Spain and other nations have suspended the use of AstraZeneca's COVID-19 vaccine over concerns it is linked to blood clots.

The manufacturer denies any link, but an official with the European Union's agency in charge of evaluating medicines believes there is a "clear association" between the two.

Marco Cavaleri, the chairman of the the European Medicines Agency team evaluating the vaccine, said that in his opinion, "we can now say it, it is clear that there is an association (of the brain blood clots) with the vaccine."

"However, we still do not know what causes this reaction," he told the Italian daily Il Messagero.

A spokesman for AstraZeneca declined comment to Reuters, and the EMA later issued a statement saying its review was continuing.

Reuters reported the EMA "has repeatedly said the benefits of the AstraZeneca shot outweigh the risks as it investigates 44 reports of an extremely rare brain clotting ailment known as cerebral venous sinus thrombosis (CVST) out of 9.2 million people in the European Economic Area who have received the vaccine."

AstraZeneca, one of multiple companies that developed a COVID-19 vaccine over the last year, said it has found no higher risk of clots than normal from its product.

"Cavaleri said the EMA would say in its review that there is a link but was not likely to give an indication this week regarding the age of individuals to whom the AstraZeneca shot should be given," the report said.

Just days ago, EMA said it had not identified "any specific risk factors, such as age, gender or a previous medical history of clotting disorders."

The report said a high proportion among the reported cases involved young and middle-aged women.

European investigators have speculated that the vaccine triggers an unusual antibody in some rare cases. Another speculation was that some cases are linked with birth control pills.

It's not the first suggestion of a link, the report said.

"In a separate interview, Armando Genazzani, a member of the EMA's Committee for Medicinal Products for Human Use (CHMP), told La Stampa daily that it was 'plausible' that the blood clots were correlated with the AstraZeneca vaccine."

The Western Journal noted that officials in the Netherlands say they found blood clots in women between the ages of 25 and 65. And in Germany, nine of 31 patients who had developed CVST died, and 29 cases were found in women between the ages of 20 and 63. The report said Norway "reported three deaths among people who developed blood clots and hemorrhaging after receiving the vaccine."

WND previously reported 54,571 adverse events have been reported in Europe in association with the AstraZeneca vaccine, including 198 deaths.

The concerns were raised initially when Denmark suspended use of the vaccine, followed by Ireland, Thailand, the Netherlands, Norway, Iceland, Congo and Bulgaria.

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The Covid "Vaccine" is not a Vaccine!

gene therapy!

The motivations of these evil people can be left to your speculation!

Many of us on the thoughtful, informed and logical side of the ledger KNOW what has gone down and continues to occur regarding COVID.

Criminal prosecutions are very much in order!!!

Hooray for Dr. Simone Gold!! Listen to her!!

The Façade of the Covid Fraud

Should we be approaching the end times spoken of in Daniel, Thessalonians and Revelation, let me encourage all of those who do not know Jesus to make every effort possible to accept Him as your personal Savior, thereby avoiding being left behind to go through the many terrors during the seven years of anti-Christ's reign.....

by JW Bryan.

* **Scientist behind coronavirus shot says next target is cancer**

The Associated Press

* **COVID Shot: Rising Deaths, Serious Injury, Spontaneous Miscarriages and Stillbirths**

Doctor warns that 'EXPERIMENTAL covid vaccine' actually DANGEROUS "GENE" THERAPY

<https://www.infowars.com/posts/doctor-warns-experimental-covid-vaccine-actually-dangerous-gene-therapy>

* **Blood Lust: Covid Vaccines, and Culling the Population, Part Two**

We've taken God out of our schools, out of society and even out of America's pulpits, and for a country founded on the laws of the Almighty, we are facing massive destruction and death unless we confront the evil of America's encroaching communist revolution and destroy it.....

by Kelleigh Nelson.

* **Vaccines, Abortion & Fetal Tissue - Ohio Right to Life**

Biden Admin Drops \$3 Billion So Nascar & CMT Will Brainwash Conservatives Into Taking Covid Vax

April 12th 2021, 5:55 pm

Tax dollars being used to psychologically manipulate Americans

During Monday's White House press briefing, press secretary Jen Psaki explained what the Biden administration is doing to combat COVID vaccine skepticism among "white Evangelicals" and "black and brown communities."

<https://www.wnd.com/2021/04/100-top-executives-meet-plot-election-integrity-laws/>

Psaki told a reporter the administration is launching "Community Core," which is a "program to provide fact-based messages into the hand of local messengers."

This means they are finding outlets, groups and people willing to spew their propaganda in exchange for financial compensation.

GO TO WEB SITE ABOVE

CONFUSION: Hundreds Testing Positive for Covid After Being Fully Vaccinated

April 12th 2021, 1:23 pm

Shock Video: Cops Force-Vaccinate Special Needs Girls In Statewide 'Operation Homebound' Program

April 12th 2021,

<https://www.infowars.com/posts/shock-video-cops-force-vaccinate-special-needs-girls-in-statewide-operation-homebound-program/>

Woman Details Severe COVID Vaccine Reaction – “Within Minutes I Knew I Was Going To Pass Out”

<https://www.infowars.com/posts/woman-details-severe-covid-vaccine-reaction-within-minutes-i-knew-i-was-going-to-pass-out/>

April 12th 2021, 4:12 pm

“He’s Making The Vaccine And We’re Not Taking It...”

April 11th 2021, 11:20 am

Medical Technician making the COVID vaccine explains why he doesn't recommend anyone take it.

<https://www.infowars.com/posts/hes-making-the-vaccine-and-were-not-taking-it/>
