

COMMISSIONERS JOURNAL NO. 69 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MAY 17, 2018

THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY MET IN REGULAR SESSION ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT:

Present:
Gary Merrell, President
Barb Lewis, Vice President
Jeff Benton, Commissioner

1
RESOLUTION NO. 18-531

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD MAY 14, 2018:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve the following:

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on May 14, 2018; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.12 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the electronic record of proceedings at the previous meeting.

Vote on Motion Mr. Merrell Aye Mrs. Lewis Aye Mr. Benton Aye

2
PUBLIC COMMENT

3
ELECTED OFFICIAL COMMENT

4
RESOLUTION NO. 18-532

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0516:

It was moved by Mrs. Lewis, seconded by Mr. Benton to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0516 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
Washington Auto Parts	Facilities Service Center	10011106-5228	\$20,000.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Account</u>	<u>Amount</u>
R1803656	HUNTINGTON BANK	BOND INTEREST PAYMENTS	50111117-5720	\$464,800.00
R1803656	HUNTINGTON BANK	BOND PRINCIPAL PAYMENTS	50111117-5725	\$1,215,000.00
R1803657	US BANK	BOND INTEREST PAYMENTS	50111117-5725	\$1,096,125.00
R1803657	US BANK	BOND PRINCIPAL PAYMENTS	50111117-5725	\$250,000.00
R1803659	BANK OF NEW YORK MELLON,THE	BOND INTEREST PAYMENTS	50211119-5720	\$185,300.00
R1803659	BANK OF NEW YORK MELLON,THE	BOND PRINCIPAL PAYMENTS	50211119-5725	\$700,000.00
R1803660	DELAWARE COUNTY BANK & TRUST CO	BOND INTEREST PAYMENTS	50411121-5720	\$1,497.02
R1803660	DELAWARE COUNTY BANK & TRUST CO	BOND PRINCIPAL PAYMENTS	50411121-5725	\$2,544.13

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RESOLUTION NO. 18-533

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve the following:

The Code Compliance Department is requesting that Joseph Amato, Andrew Shorter, Duane Matlack, Greg Miller, Wendy Fox and Jamie Talley attend a Legal Aspects of Code Enforcement seminar in Grove City, Ohio on May 23, 2018 at no cost.

Vote on Motion Mr. Benton Aye Mr. Merrell Aye Mrs. Lewis Aye

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RESOLUTION NO. 18-534

IN THE MATTER OF GRANTING ANNEXATION PETITION, FROM AGENT FOR THE PETITIONER, MOLLY R. GWIN, REQUESTING ANNEXATION OF 61.614 ACRES OF LAND IN SCIOTO TOWNSHIP TO THE VILLAGE OF OSTRANDER:

It was moved by Mrs. Lewis, seconded by Mr. Benton to approve the following resolution:

Whereas, on April 17, 2018, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Molly R. Gwin, agent for the petitioners, of 61.614 acres, more or less, from Scioto Township to the Village of Ostrander; and

Whereas, pursuant to section 709.023 of the Revised Code, if the Municipality or Township does not file an objection within 25 days after filing of the annexation petition, the Board at its next regular session shall enter upon its journal a resolution granting the proposed annexation; and

Whereas, 25 days have passed and the Clerk of the Board has not received an objection from the Village of Ostrander or the Township of Scioto;

Therefore, Be It Resolved, the Delaware County Board of Commissioners grants the annexation petition request to annex 61.614 acres, more or less, in Scioto Township to the Village of Ostrander.

Vote on Motion Mr. Merrell Aye Mr. Benton Aye Mrs. Lewis Aye

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RESOLUTION NO. 18-535

IN THE MATTER OF APPROVING AN AGREEMENT BETWEEN THE OHIO ATTORNEY GENERAL, THE BUREAU OF CRIMINAL INVESTIGATION, AND DELAWARE COUNTY REGARDING THE NATIONAL WEBCHECK® PROGRAM AND EQUIPMENT:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve the following:

Whereas, the Deputy County Administrator recommends approving the Agreement between the Ohio Attorney General, the Bureau of Criminal Investigation, and Delaware County regarding the National WebCheck® program and equipment;

Therefore, Be It Resolved, the Delaware County Board of Commissioners approve the Agreement between the Ohio Attorney General, the Bureau of Criminal Investigation, and Delaware County regarding the National WebCheck® program and equipment:

**AGREEMENT
FOR NATIONAL WEBCHECK®
PROGRAM SERVICES AND EQUIPMENT**

This Agreement ("Agreement") between the Ohio Attorney General ("Attorney General"), which oversees the Bureau of Criminal Investigation ("BCI"), and Delaware County ("Agency") is effective on the latest date of signature below, and identifies the terms, conditions, duties, and responsibilities of each party regarding the National WebCheck® ("WebCheck") program and equipment. The Agreement also ensures that the information received from the Attorney General is used appropriately by Agency and within the requirements of the Ohio Revised Code, the Ohio Administrative Code, and Federal laws and regulations.

I. Purpose

Under Ohio law, persons in various occupations and volunteer roles must obtain criminal background checks in order to be eligible for licensing, employment and volunteer activities. Such criminal background checks are available through the WebCheck services administered by the Attorney General, through BCI. This Agreement

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sets forth the terms and conditions under which Agency may obtain and disseminate criminal background check information through WebCheck services.

II. Basic Agency Responsibilities

A. Agency must procure WebCheck equipment from a vendor that has been certified by BCI as an approved provider and maintain the equipment as directed by the vendor.

B. Agency agrees to comply with any and all monitoring requests made by the Attorney General in a timely and complete manner.

C. Agency agrees to comply with any and all training requirements set forth by the Attorney General. Agency's participation in an initial training will be required before Agency will be granted access to the WebCheck services.

III. Agency Responsible for Full and Timely Payment of Fees to Be Charged by Attorney General

A. To ensure full and prompt payment, Agency agrees to make fee payments to the Attorney General using commercially reasonable payment methods as directed by the Attorney General. Such methods may include, without limitation, payments via Automated Clearing House ("ACH") or other electronic payment method. Notice of any changes in the required payment methods shall be provided pursuant to Section XI.

B. Attorney General shall submit invoices to Agency as follows:

Agency: Delaware County, HR Director
Address: 10 Court Street, 2nd floor
Delaware, Ohio 43015
Att: Dawn Huston

C. Absent more specific requirements provided by the Attorney General, the Attorney General will issue a monthly invoice to Agency and payments shall be made pursuant to this Section. Agency understands that failure to pay the Attorney General the appropriate criminal background check fees within 30 days after an invoice is issued by the Attorney General may result in termination of access to WebCheck services. Agency also understands that a fee of \$35.00 may be charged to the Agency to reinstate access to WebCheck services after the delinquent account is paid in full.

D. If payment is not received within 75 days after an invoice is issued, Agency shall be in default and the Attorney General may exercise all legal rights and remedies as set forth in Paragraph X below. Interest owed for such non-payment of fees shall accrue at the rate set forth in Ohio Revised Code Sections 131.02, 5703.47, and 126.30 as applicable.

E. Agency shall pay the following fees for criminal background checks:

- a. The fee set forth in Ohio Administrative Code 109:5-1-01, as it may be amended from time to time, for a background check of BCI records; and
- b. \$24.00 for a background check of FBI records.

F. The Attorney General may increase the fees charged for background checks of BCI and/or FBI records at any time prior to Agency conducting a background check, and upon notice to Agency.

IV. Restrictions on Dissemination of WebCheck Information

A. The parties acknowledge that access to computerized criminal history ("CCH") information is governed by both state and federal statutes. Any violation of these statutes and/ or the dissemination restrictions set forth in this Section will constitute a default for which the Attorney General may immediately terminate Agency's direct and indirect use of and access to WebCheck services.

B. Dissemination of the FBI CCH must be limited to the following:

- a. Criminal justice and governmental non-criminal justice agencies.
- b. Pursuant to 28 USC §534, Pub. L. 92-544, CCH information must not be disseminated to a third party organization.
- c. The CCH information must not be used for any purpose other than outlined in 28 USC §534, Pub. L. 92-544 or Ohio Revised Code statutes approved by the U.S. Attorney General

C. Dissemination of the BCI CCH must be limited to the following:

- a. The information must not be used for any purpose other than authorized in RC. 109.572 and related Ohio Revised Code statutes.
- b. The information may only be released to the individual/ organization authorized on the BCI waiver for release of criminal history information. It is not permissible for the Agency to copy and distribute the results of a criminal history background check to multiple organizations.

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V. Compliance with Civilian Background Check Requirements

A. Agency must comply with all civilian background check requirements included in Ohio law and the Ohio Civilian Background Check Training Manual published by the Ohio Attorney General.

B. Agency understands that an FBI background check does not replace a BCI background check and may be done only when authorized by an approved Pub. L. 92-544 state statute. A background BCI check must be completed for every individual requiring a background check for employment purposes.

C. Agency understands that failure to adhere to any requirement set forth in this Agreement may result in termination of WebCheck services. It is further understood that additional training and/ or a \$35.00 reinstatement fee may be required to restore access to WebCheck services.

VI. Duty to Maintain Accurate, Auditable Records of Transactions

The Agency agrees that BCI's Quality Assurance Unit may audit all WebCheck transactions submitted by Agency. The Agency hereby agrees to keep accurate, auditable records of each WebCheck transaction for at least one (1) year following each transaction. The Agency also agrees to allow BCI employees access to this information during normal business hours.

VII. Prohibition against Unauthorized or Inappropriate Use of WebCheck Information

Agency agrees that unauthorized use of computerized criminal history information is in violation of state and/or federal law and can lead to criminal charges. If Agency is a non-criminal justice agency, Agency acknowledges that applicants for positions in their organizations may authorize access to their criminal history records for the use of that specific agency only as described in Section VIII below. Inappropriate use or dissemination of computerized criminal history information will result in termination of Agency's access to WebCheck services. Further, Agency understands that misuse or falsification of information transmitted and received through the WebCheck program may result in criminal felony charges being filed.

VIII. Rights and Responsibilities Concerning Employee Access to WebCheck Information

A. The Agency shall not permit an individual to access, disseminate or otherwise use WebCheck information if that individual has ever been convicted of:

- a. A felony; and/ or
- b. Any other crime involving theft, deceit, fraud or other act of moral turpitude.

B. If Agency is a private, non-government agency, Agency agrees that, prior to permitting an individual to access, disseminate or otherwise use National WebCheck information, Agency shall conduct, at its own expense, a BCI background check on that individual.

IX. Term and Termination

A. This Agreement will be effective beginning on the latest date of signature below. Either party may terminate this Agreement for any reason after providing three (3) days written notice to the other party. Otherwise, this Agreement will terminate three (3) years from the effective date.

B. This Agreement cannot be transferred by Agency. If Agency transfers its equipment to another party, this Agreement will terminate automatically.

X. Default and Immediate Termination

The Agency's failure to satisfy any of the terms, conditions, duties, and responsibilities set forth in this Agreement shall constitute a default for which the Attorney General may immediately and without notice terminate this Agreement and Agency's use of and access to WebCheck services. The Attorney General shall also have the right to pursue any and all other remedies against Agency for failure to satisfy any of the terms, conditions, duties, and responsibilities set forth in this Agreement.

XI. Communications, Approval and Notices

Any communications, approvals and notices that must be made to or by the parties pursuant to this Agreement shall be made in writing using the addresses set forth below.

XII. Entire Agreement

This Agreement contains the entire agreement between the parties hereto and shall not be modified, amended or supplemented, or any rights herein waived, unless specifically agreed upon in writing by the parties hereto. This Agreement supersedes any and all previous agreements, whether written or oral, between the parties.

XIII. Facsimile Signatures

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Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or e-mail. Each party hereto shall be entitled to rely upon a facsimile signature of any other party delivered in such a manner as if such signature were an original.

Vote on Motion Mr. Benton Aye Mr. Merrell Aye Mrs. Lewis Aye

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RESOLUTION NO. 18-536**

IN THE MATTER OF CREATING THE DELAWARE COUNTY TRANSPORTATION IMPROVEMENT DISTRICT AND DETERMINING THE STRUCTURE FOR AND APPOINTING MEMBERS TO THE BOARD OF TRUSTEES OF THE DELAWARE COUNTY TRANSPORTATION IMPROVEMENT DISTRICT:

It was moved by Mrs. Lewis, seconded by Mr. Benton to approve the following:

WHEREAS, pursuant to section 5540.02 of the Revised Code, a board of county commissioners may create a transportation improvement district, which shall be a body corporate and politic and shall exercise the powers conferred by Chapter 5540 of the Revised Code; and

WHEREAS, the Delaware County Board of Commissioners wishes to create a transportation improvement district for Delaware County in order to facilitate transportation and related infrastructure improvements through a coordinated, cooperative, multi-jurisdictional approach and to realize the unique opportunities and benefits that a transportation improvement district provides for all jurisdictions within Delaware County; and

WHEREAS, upon creation of a transportation improvement district, the board of county commissioners shall, by resolution, determine the structure of the board of trustees of the transportation improvement district it creates by adopting the structure contained either in division (C)(1) or (2) of section 5540.02 of the Revised Code and make any appointments required thereunder;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County, State of Ohio, that:

Section 1. There is hereby created a transportation improvement district, pursuant to section 5540.02 of the Revised Code, to be designated and known as the “Delaware County Transportation Improvement District” (hereinafter referred to as “DCTID”). The DCTID shall be coterminous with, and include all of the territory within, the boundaries of Delaware County, Ohio.

Section 2. It is hereby determined, pursuant to section 5540.02(A) of the Revised Code, that the structure for the board of trustees of the DCTID shall be as contained in section 5540.02(C)(2) of the Revised Code and shall consist of five (5) voting members appointed by the Delaware County Board of Commissioners, one (1) non-voting member appointed by the Speaker of the House of Representatives of the Ohio General Assembly, and one (1) non-voting member appointed by the President of the Senate of the Ohio General Assembly. The Delaware County Board of Commissioners’ appointments to the board of trustees of the DCTID shall not be subject to the requirements of Resolution No. 13-645.

Section 3. The Delaware County Board of Commissioners hereby appoints the following individuals to serve as voting members of the DCTID board of trustees:

Name	Office
Chris Bauserman	Delaware County Engineer
Mike Frommer	Delaware County Administrator
Si Kille	Delaware County Deputy Administrator
Pat Blayney	Public Member At-Large
Tom Price	Public Member At-Large

In accordance with section 5540.02(D) of the Revised Code, the members appointed herein shall hold office for a term of two years from the effective date of this Resolution, subject to removal at the pleasure of the Delaware County Board of Commissioners. Members may be reappointed, and any vacancy in the office of those members of the board of trustees appointed by the Delaware County Board of Commissioners shall be filled by appointment by the Delaware County Board of Commissioners.

Section 4. The Delaware County Administrator, in coordination and consultation with the members appointed herein, is hereby directed to cause notice of the date, time, and place of the organizational meeting of the DCTID board of trustees to be given in accordance with section 121.22 of the Revised Code.

Section 5. The Delaware County Board of Commissioners hereby finds and determines that all formal actions taken by it concerning or relating to the adoption of this Resolution were taken in an open meeting of the Delaware County Board of Commissioners and that all deliberations of the Delaware County Board of

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Commissioners and any of its committees that resulted in those formal actions were in meetings open to the public in compliance with applicable Ohio laws.

Section 6. The Clerk of the Board of Commissioners is hereby directed to certify copies of this Resolution to the Delaware County Auditor, the Delaware County Engineer, the Speaker of the Ohio House of Representatives, the President of the Ohio Senate, the Ohio Department of Transportation, and the members of DCTID board of trustees appointed herein.

Section 7. This Resolution shall take effect immediately upon adoption.

Vote on Motion Mrs. Lewis Aye Mr. Benton Aye Mr. Merrell Aye

Other Business:

RESOLUTION NO. 18-537

IN THE MATTER OF APPROVING A RESOLUTION CONGRATULATING LENNY LEPOLA AS THE 2018 DELAWARE COUNTY INDUCTEE INTO THE CENTRAL OHIO SENIOR CITIZENS HALL OF FAME:

It was moved by Mr. Merrell, seconded by Mrs. Lewis to approve the following:

WHEREAS, the Delaware County Board of Commissioners is proud to honor older individuals who have inspired others in their community through their industry and resolve to contribute; and

WHEREAS, Leonard "Lenny" Lepola is being honored for the example he has set for other residents of Delaware County through his decades of work in community journalism; and

WHEREAS, Lepola often has shared generously of his photography talents without compensation with local schools and nonprofit organizations;

WHEREAS, Lepola inspires us all with his commitment to the arts, to his cultural heritage, and to improving his health and fitness;

THEREFORE BE IT RESOLVED, that the Delaware County Board of Commissioners hereby congratulates Lenny Lepola as the 2018 Delaware County Inductee into the Central Ohio Senior Citizens Hall of Fame.

Vote on Motion Mr. Merrell Aye Mrs. Lewis Aye Mr. Benton Aye

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ADMINISTRATOR REPORTS

Mike Frommer, County Administrator

- Will be meeting with Jenna Hicks (DKMM) about the Transfer Station Master Plan update
- Today will be attending the Third Thursday Chamber luncheon in which Bob Lamb will be speaking on 5G fiber technology.

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COMMISSIONERS' COMMITTEES REPORTS

Commissioner Lewis

- Attended a Delaware County Historical Society event last night which honored notable women of Delaware County.

Commissioner Benton

- Attended a meeting with the Preservation Parks Director. They have hired a consultant firm to help build their Strategic Plan now that their levy has passed.
- There will be a Central Ohio Youth Center meeting today.
- Today Willowbrook will be holding an Open House for their new West side location from 5-7 PM
- Will have the honor of being the MC for the EMS Annual Awards on Sunday.
- Airways in Lewis Center has announced plans to expand their workforce by 60 people. That is a good example of business expansion and retention in the county.

Commissioner Merrell

- Attended the Central Ohio Senior Hall of Fame awards yesterday.
- Attended the Annual Foster Family Appreciation dinner last night.
- Attended the Olentangy Local School Business Council meeting this morning.

RESOLUTION NO. 18-538

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF EMPLOYMENT; COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL:

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It was moved by Mr. Benton, seconded by Mrs. Lewis to approve the following:

WHEREAS, pursuant to section 121.22(G) of the Revised Code, a public body may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the matters specified in section 121.22(G)(1)-(7) of the Revised Code; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County, State of Ohio:

Section 1. The Board hereby adjourns into executive session for consideration of employment; compensation of a public employee or public official.

Vote on Motion Mr. Benton Aye Mr. Merrell Aye Mrs. Lewis Aye

RESOLUTION NO. 18-539

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Benton, seconded by Mrs. Lewis to adjourn out of Executive Session.

Vote on Motion Mr. Merrell Aye Mrs. Lewis Aye Mr. Benton Aye

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners