

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 11, 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

10:00 A.M. Final Hearing By The Commissioners For The Ruder East Watershed Drainage Improvement Project

1
RESOLUTION NO. 18-1098

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD OCTOBER 8, 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 October 8, 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. 18-1099

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1010 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR1010:

It was moved by Mrs. Lewis, seconded by Mr. Benton to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1010, memo transfers in batch numbers MTAPR1010 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
Del-co Water	Potable Water Supply Alum Creek Water Rec.	66211904-5338	\$ 6,500.00
Harrington IND	Pipe for Water Rec.	66211912-5201	\$10,000.00
Pelton Env	Sludge Tank Diffusers	66211903-5201	\$ 7,000.00
M Tech (add a line)	Wireless headsets and protection for Water Rec.	66211901-5450	\$ 7,700.00
Facilities	CSEA Cost allocation Mail	23711630-5331	\$656.00
Commissioners	CSEA Cost allocation	23711630-5380	\$6,302.20
Commissioners	CSEA Cost allocation Rent	23711630-5335	\$11,985.50

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Account</u>	<u>Amount</u>
R1805190	ASSIST 4 DENTIST LLC	TRAINING FEES UNIFORMS	22411603 -	\$ 6,000.00
		CCMEP	5348	
R1805288	BENCHMARK WOODWORKS CO INC	FURNITURE	10011105 -	\$ 2,650.00
			5260	
R1805288	BENCHMARK WOODWORKS CO INC	12 HALL MONITOR FRAME	10011105 -	\$ 3,550.00
			5201	
R1805294	C & S RESTORATIONS INC	REMOVE, TRANSPORT & INSTALL COURTHOUSE SIGN	40111402 -	\$ 5,552.96
			5328	
R1805295	M ZIMMERMAN	SEWER LINE CONNECTION FOR EMS STATION 1	40111402 -	\$ 7,000.00
			5328	

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

**5
RESOLUTION NO. 18-1100**

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Child Support Enforcement Agency is requesting that Darci Sholler, Lisa Thompson, Tanya Kidd, Sue Sours, Margaret Long, Christina Delong, Wendy Shannon, Stacey Brown, Andrea DelCol, and Wendy Adams attend an OCDA Fall Conference in Columbus, Ohio from October 15-16, 2018 at the cost of \$500.00 (fund number 23711630).

The Adult Court Services Department is requesting that Laurie Winbigler and Tamar Fowler attend a Supreme Court Specialized Docket Conference in Columbus, Ohio from October 11-12, 2018 at the cost of \$150.00 (fund number 25622303).

The Job and Family Services Department is requesting that Lynn Stacy attend an out-of-state mandated adoption visit in November at the cost of \$765.00.

The Commissioners’ office is requesting that Commissioner Jeff Benton and Gary Merrell attend a Land Bank 101 session in Columbus, Ohio on October 22, 2018 at the cost of \$25.00 (fund number 10011101).

The Emergency Medical Department is requesting that Lieutenant Zach Wolfe attend an Advanced Trauma Life Support class in Kettering, Ohio from October 16-17, 2018 at no cost.

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

**6
RESOLUTION NO. 18-1101**

IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY FUNDS TO ASSIST IN FUNDING THE PURCHASE OF COFFEE, MEALS, REFRESHMENTS, AND OTHER AMENITIES FOR BUSINESS APPRECIATION EVENTS FOR THE ECONOMIC DEVELOPMENT BUSINESS RETENTION AND EXPANSION PROGRAM:

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

WHEREAS, Ohio Attorney General Opinion No. 82-006 addresses the issue Expenditure of Public Funds for Proper “Public Purpose”; and

WHEREAS, the October 20, 2003, State Auditor’s ruling on payment of Expenditures of Public Funds for Proper “Public Purpose” states that, for persons who are employees or non-employees of the County, the Commissioners must pre-approve expenditures for the purchase of coffee, meals, refreshments and other amenities; and

WHEREAS, the Delaware County Economic Development Department will be assisting local jurisdictions with holding Business Appreciation events for the purpose of engagement of the local business community as part of the Economic Development Department’s Business Retention and Expansion program;

NOW, THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED, by the Board of Commissioners, County of Delaware, State of Ohio, as follows:

Section 1. That the Delaware County Board of Commissioners hereby authorizes the use of Economic Development funds in an amount not to exceed \$1,000.00, to assist in funding the purchase of coffee, meals, refreshments and other amenities for Business Appreciation events.

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

**7
RESOLUTION NO. 18-1102**

IN THE MATTER OF APPROVING THE CONTRACT WITH POGGEMEYER DESIGN GROUP FOR PY2018 CDBG ADMINISTRATION:

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

WHEREAS, the Board of Delaware County Commissioners awarded a contract to Poggemeyer Design Group for CDBG and Revolving Loan Fund Program Administration per Resolution No. 17-884; and

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WHEREAS, the Delaware County Economic Development Coordinator recommends approving the contract for the PY2018 CDBG Allocation program administration;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners that:

Section 1. The Delaware County Board of Commissioners approves an Agreement for PY 2018 CDBG Allocation and Fair Housing Program Administration with Poggemeyer Design Group in an amount up to \$40,000.00 for Program Administration paid from PY2018 Community Development Block Grant B-F-18-1AT-1 from the Ohio Development Services Agency.

Section 2. This Resolution shall take effect and be in force immediately after its passage.

PROFESSIONAL SERVICES CONTRACT

CDBG Administration

Section 1 – Parties to the Agreement

This Agreement is made and entered into this 11th day of October, 2018, by and between Delaware County, Ohio, by and through the Delaware County Board of Commissioners, 101 North Sandusky Street, Delaware, Ohio 43015 (“County”), and Poggemeyer Design Group, 1168 N. Main St., Bowling Green, OH 43402 (“Consultant”).

Section 2 – Contract Administrator

The Delaware County Board of Commissioners hereby designates the Delaware County Economic Development Coordinator as Administrator and agent of the Board for Work performed in accordance with this Agreement. The Administrator shall have general supervision of the Work and authority to order commencement or suspension thereof.

Section 3 – Scope of Services (Work)

Consultant agrees to furnish, unto the County, professional services in accordance with the Scope of Services and Price Proposal dated June 14, 2017, by this reference hereby made part of this Agreement. Consultant further agrees to perform the Work promptly and in a skillful and competent manner under the direction of the Administrator and in accordance with accepted professional standards.

Section 4 – Compensation

The County will compensate Consultant for the work specified above as outlined in Exhibit A attached to this agreement.

The fees specified shall constitute full compensation for all direct labor, payroll burden, general and administrative overhead, profit, travel, equipment, and materials necessary to complete the tasks as set forth in the Scope of Services.

Section 5 – Payment

Compensation shall be paid periodically, but no more than once per month, and shall be based on the calculated percentage of work performed to date in accordance with the Consultant’s Price Proposal. Invoices shall be submitted to the Administrator by the Consultant on company letterhead clearly listing the word “Invoice” with a sequential invoice number provided. The County may request additional documentation to substantiate said invoices and the Consultant shall promptly submit documentation as needed to substantiate said invoices. The County shall pay invoices within thirty (30) days of receipt.

Section 6 – Authorization to Proceed, Completion of Work, Delays and Extensions

The Consultant shall commence Work upon written authorization of the Administrator and shall complete the work in a timely manner. In the event that unforeseen and unavoidable delays prevent the timely completion of this Agreement, the Consultant may make a written request for time extension, and the Administrator may grant such an extension provided that all other terms of the Agreement are adhered to.

Section 7 – Insurance

7.1 General Liability Coverage: Consultant shall maintain commercial general liability insurance of \$1,000,000 each occurrence. Identical coverage shall be required to be provided by all subconsultants and subcontractors, if any.

7.2 Automobile Liability Coverage: Consultant shall maintain automobile liability insurance of \$1,000,000 each accident. Such coverage shall include coverage for owned, hired and non-owned automobiles. Identical coverage shall be required to be provided by all subconsultants and subcontractors, if any.

7.3 Workers’ Compensation Coverage: Consultant shall maintain workers’ compensation coverage as required by the laws of the State of Ohio. Identical coverage shall be required to be provided by all subconsultants and subcontractors, if any.

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7.4 Additional Insureds: The County, its elected officials and employees, shall be named as additional insureds with respect to all activities under this Agreement in the policies required by Subsections 7.1 and 7.2. Consultant shall require all of its subconsultants and subcontractors to provide like endorsements.

7.5 Proof of Insurance: Prior to the commencement of any work under this Agreement, Consultant, and all of its subconsultants and subcontractors, shall furnish the County with properly executed certificates of insurance for all insurance required by this Agreement and properly executed endorsements listing the additional insured required by Subsection 7.4. Certificates of insurance shall provide that such insurance shall not be cancelled without thirty (30) days prior written notice to the County. Consultant will replace certificates for any insurance expiring prior to completion of work under this Agreement.

Section 8 – Indemnification

The Consultant shall indemnify and hold free and harmless the County and its employees from any and all damages, injury, costs, expenses, judgments or decrees, or any other liabilities that they may incur as a result of bodily injury, sickness, disease or death or injury to or destruction of tangible property including the loss of use resulting therefrom, to the proportionate extent caused by any negligent acts, errors or omissions of the Consultant, its employees, agents, subcontractors, and their employees and agents' subcontractors and their employees or any other person for whose acts any of them may be liable.

Section 9 – Suspension or Termination of Agreement

The County may suspend or terminate this Agreement at any time for the convenience of the County, at which time the County shall provide written notice to the Consultant ordering termination of Work. The Consultant shall immediately suspend or terminate Work, as ordered by the County. In the case of Termination, the Consultant shall submit a final invoice within sixty (60) days of receiving Notice of Termination for Work completed up to the date of termination. The County is not liable for payment for work performed after the date of termination.

Section 10 – Change in Scope of Work

In the event that significant changes to the Scope of Services as defined in Section 3 are required during performance of the Work, the first party shall notify the second party in writing with a detailed explanation of the circumstances believed to have changed beyond those originally contemplated by this Agreement. Any subsequent modifications to this Agreement shall be approved by both parties.

Section 11 – Miscellaneous Terms & Conditions

11.1 Prohibited Interests: Consultant agrees that no agent, officer, or employee of the County during his/her tenure or for one year thereafter shall have any interest, direct or indirect, in this Agreement or the proceeds thereof. Consultant further agrees that it will not employ in any manner a current County employee for a minimum period of one (1) year from the completion date of this Agreement, without the prior express written consent of County.

11.2 Independent Contractor: The Parties acknowledge and agree that Consultant is acting as an independent contractor and that no agency, partnership, joint venture, or employment relationship has been or will be created between the Parties. Contractor also agrees that, as an independent contractor, Contractor assumes all responsibility for any federal, state, municipal, or other tax liabilities along with workers compensation, unemployment compensation, and insurance premiums that may accrue as a result of compensation received for services or deliverables rendered hereunder.

Consultant, acting as an independent Contractor, hereby certifies that it has five or more employees and that none of the employees are public employees for purposes of Chapter 145 of the Ohio Revised Code.

11.3 Entire Agreement: This Agreement, and those documents incorporated by reference herein, shall constitute the entire understanding and agreement between the County and the Consultant, shall supersede all prior understandings and agreements relating to the subject matter hereof, and may only be amended in writing with the mutual consent and agreement of the parties.

11.4 Governing Law: This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio. Any and all legal disputes arising from this Agreement shall be filed in and heard before the courts of Delaware County, Ohio.

11.5 Headings: The subject headings of the Sections and Subsections in this Agreement are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions. This Agreement shall be deemed to have been drafted by both parties and no purposes of interpretation shall be made to the contrary.

11.6 Waivers: No waiver of breach of any provision of this Agreement shall in any way constitute a waiver of any prior, concurrent, subsequent, or future breach of this Agreement or any other provision hereof. No term or provision of this Agreement shall be deemed waived, and no breach excused, unless such a waiver or consent is expressly made in writing and signed by the party claimed to have waived or consented. Such waiver shall not constitute and shall not in any way be interpreted as a waiver of any other term or provision or future breach unless said waiver expressly states an intention to waive another specific term or provision or future breach.

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11.7 Severability: If any item, condition, portion, or section of this Agreement or the application thereof to any person, premises, or circumstance shall to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition, provision, or section to persons, premises, or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Agreement and all the terms, conditions, provisions, or sections hereof shall, in all other respects, continue to be effective and to be complied with.

11.8 Findings for Recovery: Consultant certifies that it has no outstanding findings for recovery pending or issued against it by the State of Ohio.

11.9 Non-Discrimination/Equal Opportunity: Consultant hereby certifies that, in the hiring of employees for the performance of work under this Agreement or any subcontract, that neither it nor any subcontractor, by reason of race, color, religion, sex, age, disability as defined in section 4112.01 of the Revised Code, national origin, or ancestry, shall discriminate against any citizen of this state in the employment of a person qualified and available to perform the work to which the Agreement relates.

Consultant further certifies that neither it nor any subcontractor, or person acting on behalf of it or any subcontractor, in any manner, shall discriminate against, intimidate, or retaliate against any employee hired for the performance of work under this Agreement on account of race, color, religion, sex, age, disability as defined in section 4112.01 of the Revised Code, national origin, or ancestry.

Consultant certifies that it has a written affirmative action program for employment and effectively utilizes economically disadvantaged persons, as referred to in division (E)(1) of section 122.71 of the Revised Code.

Consultant certifies that it complies with all applicable laws regarding Non-Discrimination / Equal Opportunity and will not discriminate.

**Scope of Services
To Assist Delaware County, Ohio with the Administration of its
PY18 CDBG Allocation Program
as delineated in the County's June 14, 2017 Request for Proposals**

Basic services provided by Poggemeyer Design Group, Incorporated (PDG, Inc.) under this contract will consist of the following major items:

Grant Application. Not to exceed \$10,000.00. Specified costs associated with the preparation and submittal of the grant application to the Ohio Development Services Agency (ODSA), to include:

- a. Assisting staff with scheduling, advertising, and convening required public hearings. (Community is responsible for publication costs.)
- b. Assisting staff with soliciting funding proposals from county departments, agencies, community non-profit organizations, and other eligible entities.
- c. Assisting county staff with determining eligibility of projects and proposals, including overseeing CDBG income surveys.
- d. Properly preparing the required Fair Housing Program table as required by ODSA, including outreach and training sites.
- e. Assisting staff with preparation of the required Community Development Implementation Strategy (CDIS) documentation.
- f. Properly completing required application forms and exhibits and providing revisions to the application as needed or requested by ODSA.
- g. Providing proper input of application information and documentation to ODSA OCEAN system for grant submission; and, delivering hard copy of the electronic submission to Delaware County.

Environmental Review Record. Not to exceed \$5,000.00. Specified costs associated with the timely completion of the environmental review process, to include:

- a. Coordination with the Ohio Historic Preservation Office, the Ohio EPA, ODSA, and any other local/state/federal agencies as required by federal regulations.
- b. Preparation of proper notices, reports, and certification forms to obtain the "Release of Funds" for all Allocation activities. (Community is responsible for publication costs.)
- c. Proper preparation of the required Environmental Review Record (ERR), which includes data collection, narrative preparation, and mapping.

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Technical Assistance. Not to exceed \$20,000.00. Specified costs associated with providing technical assistance to community staff and its grantees to assure program compliance throughout the grant year, to include:

- a. Assisting staff with technical aspects of procurement of construction, materials/equipment, and planning projects in compliance with CDBG rules and regulations (e.g., acquisition/relocation, competitive quotes/bids, federal wage rates, assisting with preparation of bid documents, contractor/supplier eligibility verification, pre-construction conferences, federal labor compliance, invoice processing, etc.). (Community is responsible for publication costs.)
- b. Assisting staff with preparation of program status reports and final performance report.
- c. Assisting staff with set up and maintenance of program files.
- d. Assisting staff with program close-out, including preparation for ODSA program monitoring conducted by ODSA State Field Representatives. Assisting staff with preparation of monitoring responses to ODSA, as needed.
- e. Executing program amendments and/or extensions, if needed.
- f. Providing guidance with general financial and program administration, CDBG construction management, CDBG materials/equipment procurement, as well as information regarding program and regulation changes.

Fair Housing Program. Not to Exceed \$5,000. Specified costs associated with the community’s compliance with the Fair Housing Requirements as outlined in the CDBG Community Development Allocation Program Grant Agreement between the community and the Ohio Development Services Agency (ODSA), to include:

- a. Coordination and preparation of appropriate documentation and performance of the required training sessions.
- b. Coordination and preparation of appropriate documentation and performance of the required outreach activities.
- c. Preparation of annual fair housing analysis update (Analysis of Impediments to Fair Housing required to be submitted in June 2019 will be a separate fee).
- d. Assistance with fair housing complaint referral, processing, and coordination efforts with the appropriate regional office of the Ohio Civil Rights Commission, as needed.
- e. Preparation of final report of fair housing efforts for grant year suitable for State Monitoring.

The combined fee for providing these basic services for the CDBG Allocation and Fair Housing Programs is a not to exceed fee of \$40,000.00, including reimbursables.

If work activities are required by the County or its grantees for implementation of the program which are not included in the basic services described above, these extra work activities will be called “additional services,” and PDG will provide these based on its current hourly rate schedule. Before commencing these “additional services,” PDG will provide a contract addendum for review by the County, with a new not to exceed lump sum fee. These “additional services” include, but are not limited to:

- 1. Grant amendments.
- 2. Grant extensions.
- 3. Additional public hearings for amendments.
- 4. Amending the Environmental Review Record resulting from amendments.
- 5. Additional coordination with the Ohio Historic Preservation Office and the National Advisory Council on Historic Preservation.
- 6. Additional monitoring reports resulting from grant extensions.
- 7. Additional step-by-step monitoring of grantee agencies/communities regarding CDBG Allocation policy and procedures.
- 8. Providing guidance and assistance to other architectural/engineering/planning firms retained by the community or its grantees regarding CDBG policies, procedures, and regulations.

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

**8
RESOLUTION NO. 18-1103**

IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY ECONOMIC DEVELOPMENT FUNDS TO FUND THE PURCHASE OF COFFEE, MEALS, AND

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REFRESHMENTS FOR ECONOMIC DEVELOPMENT:

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

WHEREAS, in accordance with Ohio Attorney General Opinion No. 82-006 and Ohio Auditor of State Bulletin 2003-005, the Delaware County Board of Commissioners (the "Board") may expend public funds to purchase coffee, meals, refreshments, and other amenities for its officers or employees or other persons if it determines that such expenditures are a "public purpose" and are necessary to perform a statutory function or power, provided the determination is not manifestly arbitrary or unreasonable; and

WHEREAS, the Delaware County Board of Commissioners approved Resolution 12-102 allowing the Economic Development Director permission for reimbursement of expenses incurred for business meetings including the provision of coffee, meals, refreshments, and other amenities, wherein the meetings are arranged by the Delaware County Economic Development Director, constitute a public purpose necessary for the performance of the Economic Development Director's functions and duties pursuant to Section 307.07 of the Revised Code and furthering the goal of robust and orderly economic development in Delaware County; and

WHEREAS, the Delaware Economic Development Director recommends expanding this same permission to the Economic Development Administrator and Economic Development Coordinator.

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

Section 1. The Board hereby declares that business meetings including the provision of coffee, meals, refreshments, and other amenities, wherein the meetings are arranged by the Delaware County Economic Development Administrator, or Economic Development Coordinator, constitute a public purpose necessary for the performance of the Economic Development Staff's functions and duties pursuant to Section 307.07 of the Revised Code and furthering the goal of robust and orderly economic development in Delaware County.

Section 2. Subject to the conditions hereinafter set forth, the Board hereby authorizes the Economic Development Administrator and Economic Development Coordinator to be reimbursed from the Economic Development funds for the purchase of coffee, meals, refreshments, and other amenities, including a reasonable gratuity not to exceed twenty percent (20%), for business meeting attendees, including the Economic Development Administrator and/or Economic Development Coordinator, other Delaware County officials and employees, and current or potential business officials. The Economic Development Administrator and Economic Development Coordinator shall not be reimbursed for sales tax charged or paid. Reimbursement is contingent upon sufficient appropriation by the Board, supervisory approval of the reimbursement request by the County Administrator, the submission of complete and accurate receipts and any other supporting documentation required by the County Auditor, and approval of the purchase order and voucher by the Board.

Section 3. The Board hereby approves the addition of the Economic Development Administrator and Economic Development Coordinator to be reimbursed from organization key 21011116 – Business Development Meetings, from which all expenses incurred pursuant to this Resolution shall be paid.

Section 4. The Board declares that the reimbursement of expenses incurred pursuant to this Resolution is specifically excluded and exempt from the Board's Travel and Expense Reimbursement Policy, in that the expenses incurred serve a special economic development public purpose beyond the scope of ordinary travel expenses.

Section 5. This Resolution shall take effect immediately upon adoption.

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

**9
RESOLUTION NO. 18-1104**

IN THE MATTER OF APPROVING TRANSFER OF FUNDS AND TRANSFER OF APPROPRIATIONS FOR JOB AND FAMILY SERVICES:

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

Transfer of Funds

From:	To:	
22311611-5801	22411603-4601	57,841.26
Workforce Investment Act/Transfers	JFS Workforce/Interfund Revenues	
22511607-5801	22411604-4601	281,845.99
Children Services/Transfers	JFS Child Protection/Interfund Revenues	
10011110-5801	22511607-4601	500,000.00
Human Services/Transfers	Children Services/Interfund Revenues	

Transfer of Appropriations

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From:	To:	
22511607-5801	22511607-5342	117,150.33
Children Services/Transfers	Children Services/Medical & Health Related Services	
22511607-5201	22511607-5342	1,000.00
Children Services/General Supplies	Children Services/Medical & Health Related Services	
22511607-5260	22511607-5342	15,000.00
Children Services/Inventoried Equipment	Children Services/Medical & Health Related Services	

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

10

RESOLUTION NO. 18-1105

IN THE MATTER OF APPROVING THE REQUEST FOR PROPOSALS AND SETTING DATE AND TIME FOR THE REQUEST FOR PROPOSALS FOR THE PROVISION OF HEALTH CARE SERVICES FOR INMATES AND DETAINEES AT THE DELAWARE COUNTY JAIL:

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

WHEREAS, the Delaware County Sheriff and Staff recommend the request for proposals, specifications and bid opening date and time for the provision of health care services for Inmates and detainees at the Delaware County Jail;

NOW, THEREFORE BE IT RESOLVED that the Board of Delaware County Commissioners approve the request for proposals, specifications and bid opening date and time for health care services for Inmates and detainees at the Delaware County Jail;

**PUBLIC NOTICE
REQUEST FOR PROPOSALS
BOARD OF COMMISSIONERS
DELAWARE COUNTY, OHIO**

The Delaware County Commissioners are seeking competitive sealed proposals from contractors for the provision of health care services for inmates and detainees at the Delaware County Jail. Proposals will be received at the Delaware County Commissioners’ Office, 101 North Sandusky Street, Delaware, Ohio 43015, until **2:00 p.m. on Tuesday November 20, 2018**. At that time, proposals will be opened publicly in a manner to avoid public disclosure of contents; however, only names of offerors will be read aloud. One (1) original and five (5) copies are to be included. Submittals pursuant to this request will not be received after the hour and date stated above.

The complete Request for Proposals is posted on the internet and may be viewed on Delaware County’s web page at <http://www.co.delaware.oh.us> under the heading Bids and Notices or may be obtained from the Delaware County Sheriff’s Office, 149 North Sandusky Street, Delaware, Ohio, during normal business hours.

Any proposals submitted to Delaware County, Ohio are to be prepared at the submitter’s expense. Delaware County reserves the right to reject any and all proposals in whole or in part. Acceptance of a proposal shall not constitute an agreement between the submitter and Delaware County. Delaware County shall have no liability whatsoever to any submitter whose proposal is not accepted.

Any proposal submitted shall be accompanied by bond or certified check, cashier’s check, or money order on a solvent bank or savings and loan association in the amount of Five Hundred Dollars (\$500.00).

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

11

RESOLUTION NO 18-1106

IN THE MATTER OF ESTABLISHING NEW ORGANIZATION KEY AND SUPPLEMENTAL APPROPRIATION:

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

New Organization Key	
42011440	North Campus Renovations
Supplemental Appropriation	
42011440-5410	\$193,600.00
North Campus Renovations/Building and Improvements	

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

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RESOLUTION NO. 18-1107

IN THE MATTER OF APPROVING A TRANSFER OF FUNDS AND A TRANSFER OF APPROPRIATIONS FOR THE CLERK OF COURTS:

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

Transfer of Funds

From	To	
24820101-5801	10011102-4601	28,531.16
Title Administration/Miscellaneous Cash Transfer	Commissioners General/Interfund Revenue	

Transfer of Appropriations

From	To	
28129204-5260	28129204-5320	15,000.00
Common Pleas Data Fund/Inventoried Equipment	Common Pleas Data Fund/Software Licenses and Computer Services	

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

14

ADMINISTRATOR REPORTS

Mike Frommer, County Administrator
-Still gathering information in regards to questions raised at the Liberty Township meeting last week.

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COMMISSIONERS' COMMITTEES REPORTS

Commissioner Benton
-Attended the TID meeting yesterday. Looks as though they have five to six projects proposed to be TID funded. Thank you to that Board for their hard work.
-Will be attending the MORPC meeting this afternoon.

Commissioner Lewis
-Attended the Ohio Supreme Court: Juvenile Rule 3 Work Group yesterday. The invitation came Judge Elizabeth Gill. The Juvenile Rule 3 offers juvenile offenders a legal representative from the start of their case.

Commissioner Merrell
-Will be on a conference call for MORPC leadership.
-Will be on a conference call with the Energy, Environment and Land Use committee.
-Read a statement about the EMS news story from the Delaware Gazette this week.

RECESS at 9:45 AM/RECONVENE at 10:02 AM

13

RESOLUTION NO. 18-1108

10:00A.M. FINAL HEARING FOR THE RUDER EAST DRAINAGE IMPROVEMENT PETITION PROJECT:

It was moved by Mr. Benton, seconded by Mrs. Lewis to open the hearing at 10:02 A.M.

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

13 continued

RESOLUTION NO. 18-1109

IN THE MATTER OF APPROVING, FOR A SPECIFIC OCCURRENCE, A SUSPENSION OF RULE 3-SPEAKER REGISTRATION; RULE 4-LIMITATIONS AND RULE 7-PUBLIC COMMENT PROCEDURE FROM THE RULES GOVERNING PUBLIC COMMENT BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve, for a specific occurrence, a suspension of Rule 3-Speaker Registration; Rule 4-Limitations; Rule 7-Public Comment Procedure from the Rules Governing Public Comment Before The Board Of County Commissioners Of Delaware County, Ohio

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

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13 continued

RESOLUTION NO. 18-1110

IN THE MATTER OF CLOSING THE PUBLIC HEARING TO ADDRESS THE RUDER EAST DRAINAGE IMPROVEMENT PETITION PROJECT:

It was moved by Mrs. Lewis, seconded by Mr. Benton to close the hearing at 11:05 A.M..

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

Main Part Of Ruder East

13 continued

RESOLUTION NO. 18-1111

IN THE MATTER OF FINDING IN FAVOR OF THE IMPROVEMENT AND AFFIRMING THE ORDER FOR THE MAIN PART OF THE RUDER EAST WATERSHED DRAINAGE IMPROVEMENT PETITION PROJECT:

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

WHEREAS, on February 3, 2006, a Drainage Improvement Petition, for the Ruder #86 and Toot #98 Watersheds, was filed with the Delaware County Board of Commissioners (the “Board”); and

WHEREAS, on July 31, 2006 the Board adopted Resolution No. 06-974, finding in favor of the improvement and directing the Delaware County Engineer to proceed with preparation of plans, reports, and schedules for the Ruder #86 and Toot #98 Watershed Drainage Improvement Petition Project; and

WHEREAS, on December 13, 2017 David and Brenda Baldinger filed an amendment application requesting that the Ruder East portion of the project be evaluated as an independent project, separated from the larger, original project (“Baldinger Application”); and

WHEREAS, the Board on April 12, 2018, adopted Resolution No. 18-406 directing the Delaware County Engineer to proceed with the preparation of plans, reports and schedules for The Ruder East “Baldinger Application” Drainage Improvement Project; and

WHEREAS, the Board on October 11, 2018, held a final public hearing to determine if the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for The Main Part Of Ruder East Drainage Improvement Petition Project; and

WHEREAS, after hearing testimony from property owners; considering the schedules, plans, and reports filed by the County Engineer; and-considering the cost of location and construction, the compensation for land taken, the effect on land along or in the vicinity of the route of the improvement, the effect on land below the lower terminus of the improvement that may be caused by constructing the improvement, the sufficiency of the outlet, the benefits to the public welfare, and the special benefits to land needing the improvement, the Board is prepared to issue its findings on the proposed improvements;

THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Delaware County, Ohio as follows:

The Board hereby finds that the proposed improvement is necessary and that it will be conducive to the public welfare. The Board also finds that it is reasonably certain that the cost of the proposed improvement will be less than the benefits. Accordingly, the Board hereby affirms its order granting the prayer of the petition and approves the maps, profiles, plans, schedules and reports prepared by the Delaware County Engineer, and

This Board finds and determines that all formal actions taken by this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in said formal actions were in meetings open to the public, in compliance with the laws of the State of Ohio.

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

Main Part Of Ruder East

13 continued

RESOLUTION NO. 18-1112

IN THE MATTER OF COMMISSIONERS CONFIRMING THE ASSESSMENTS; APPROVING THE PAYMENT SCHEDULE AND ORDERING THE LETTING OF THE CONTRACTS FOR THE MAIN PART OF THE RUDER EAST DRAINAGE IMPROVEMENT PROJECT:

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

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WHEREAS, the Board on October 11, 2018 held a final public hearing and with resolution NO. 18-1111 found affirming order for The Main Part of the Ruder East Drainage Improvement Petition Project; and

WHEREAS, after hearing testimony from property owners on the assessments for the improvement, the Board is prepared to issue its findings on the assessments;

THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Delaware County, Ohio as follows:

The Board hereby approves The Main Part of the Ruder East Drainage Improvement Petition Project assessments prepared by the Delaware County Engineer; and

FURTHER BE IT RESOLVED, That once the watershed is confirmed, the Delaware County Engineer’s estimated assessments are hereby approved and confirmed, and the Engineer is ordered to receive bids for the construction of the improvement; and

FURTHER BE IT RESOLVED, The County Engineer is hereby directed to prepare the necessary bid documents and legal advertisements; and

FURTHER BE IT RESOLVED, That the County Engineer be and he is hereby directed to give at least two weeks public notice as required by law of the time when and the place where bids will be received for furnishing any material for the improvement, or for the construction of the improvement, and

FURTHER BE IT RESOLVED, That the Board fixes December 10, 2018 as the date and time for the County Engineer to receive bids for the construction of the improvement, and all bids shall be received at the office of the Delaware County Engineer, 50 Channing Street, Delaware, Ohio, and

FURTHER BE IT RESOLVED, That county borrow funds to pay for the improvement, and that eight years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited, to pay the assessments that may be made for the improvement, and that interest shall be charged on the installments at the same rate charged to the Commissioners for the borrowing of the money, if after the deadline for the landowners to pay their assessments upfront passes and the total remaining construction cost to be borrowed is less than \$10,000.00 then the County will up front the remaining cost of the Construction and Commissioners will no longer borrow the money.

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

Lateral “A”
13 continued

RESOLUTION NO. 18-1113

IN THE MATTER OF THE COMMISSIONERS SETTING ASIDE THE ORDER FOR AND DISMISSING THE LATERAL “A” OF THE RUDER EAST DRAINAGE IMPROVEMENT PETITION PROJECT DUE TO ONE OR MORE OF THE FOLLOWING REASONS: THE COST EXCEEDS THE BENEFITS OF THE PROJECT; THE PROJECT IS NOT NECESSARY OR THE PROJECT IS NOT CONDUCTIVE TO THE PUBLIC WELFARE:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve setting aside the order for and dismissing The Lateral “A” Of The Ruder East Drainage Improvement Petition Project due to one or more of the following reasons: the cost exceeds the benefits of the project; the project is not necessary or the project is not conducive to the public welfare.

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

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

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Jeff Benton

Jennifer Walraven, Clerk to the Commissioners