

**COMMISSIONERS JOURNAL NO. 73 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 5, 2020**

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

Present:
Jeff Benton, President
Barb Lewis, Commissioner

Absent:
Gary Merrell, Vice President

1
RESOLUTION NO. 20-989

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD NOVEMBER 2, 2020:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on November 2, 2020; 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 Absent Mrs. Lewis Aye Mr. Benton Aye

2
RESOLUTION NO. 20-990

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1104 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR1104:

It was moved by Mrs. Lewis, seconded by Mr. Benton to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1104, memo transfers in batch numbers MTAPR1104 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
Altman CO. (P2000872)	Historic Court House	42011438-5410	\$13,878.00
Honeywell (P2002479)	Maintenance & Repair	10011105-5328	\$5,709.00

<u>PR</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Line Account</u>	<u>Amount</u>
Number				
R2004710	VILLAGE NETWORK,THE	PLACEMENT CARE	70161605 - 5342	\$11,750
R2004734	DUDE SOLUTIONS INC	ENERGY MANAGER SOFTWARE	10011105 - 5320	\$5,490.54
R2004753	AIR FORCE ONE INC	AIR PURIFICATION UNITS - JAIL	40111402 - 5201	\$8,076.51
R2004753	AIR FORCE ONE INC	AIR PURIFICATION UNITS - JAIL	40111402 - 5228	\$10,580.00
R2004753	AIR FORCE ONE INC	AIR PURIFICATION UNITS - JAIL	40111402 - 5260	\$1,193.49

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

3
RESOLUTION NO. 20-991

IN THE MATTER OF GRANTING ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, PORTER R. WELCH, ATTORNEY-AT-LAW, REQUESTING ANNEXATION OF 0.803 ACRES OF LAND IN BERKSHIRE TOWNSHIP TO THE VILLAGE OF SUNBURY:

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

COMMISSIONERS JOURNAL NO. 73 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 5, 2020

WHEREAS, on October 6, 2020, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Porter R. Welch, Attorney-at-Law, agent for the petitioners, requesting annexation of 0.803 acres, more or less, from Berkshire Township to the Village of Sunbury; 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 Sunbury or the Township of Berkshire;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners grants the petition requesting annexation of 0.803 acres, more or less, from Berkshire Township to the Village of Sunbury.

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

4
RESOLUTION NO. 20-992

IN THE MATTER OF REQUESTING AN ADVANCE PAYMENT OF SENIOR CITIZENS SERVICES LEVY FUNDS WHICH ARE LAWFULLY APPLICABLE TO THE PURPOSES OF THE CURRENT FISCAL YEAR, IN ACCORDANCE WITH R.C. § 321.34:

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

WHEREAS, pursuant to section 321.34 of the Revised Code, the county auditor shall, upon the request of local authorities, pay to any political subdivision or taxing district whose funds derived from taxes or other sources are payable by law to the county treasurer, any money that may be in the county treasury to the accounts of the local authorities, which are lawfully applicable to the purpose of the current fiscal year in which the request is made; and

WHEREAS, the Delaware County Board of County Commissioners (the "Board") is the political subdivision and taxing district that levies a tax for the provision of senior citizens services through contributions of those levy funds to SourcePoint; and

WHEREAS, SourcePoint is presently in need of operating funds to be lawfully applied to the purposes of the current fiscal year;

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

Section 1. The Board hereby requests that the County Auditor pay to the County Treasurer any tax monies which have been collected on the Board's behalf for senior citizens services, and which may be in the county treasury, so that those monies may be contributed to SourcePoint to pay operational expenses for purposes of the current fiscal year.

Section 2. The Clerk of the Board is hereby directed to certify a copy of this Resolution to the County Auditor.

Section 3. This Resolution shall be effective immediately upon adoption.

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

5
RESOLUTION NO. 20-993

IN THE MATTER OF ESTABLISHING A NEW ORGANIZATION KEY AND APPROVING A SUPPLEMENTAL APPROPRIATION FOR THE EMERGENCY MANAGEMENT AGENCY:

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

New Organization Key

21581310 PUCO Hazardous Materials Grant

Supplemental Appropriation

21581310-5260 PUCO Hazardous Materials Grant/Inventoried Tools & Equip 5,200.00

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

6
RESOLUTION NO. 20-994

**COMMISSIONERS JOURNAL NO. 73 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 5, 2020**

IN THE MATTER OF SETTING THE BID DATE AND TIME TO RECEIVE BIDS FOR THE LOWER ALUM CREEK RELIEF PUMP STATION AND FORCEMAIN PROJECT:

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

WHEREAS, the Delaware County Regional Sewer District desires to bid the Lower Alum Creek Relief Pump Station and Forcemain Project – Forcemain Contract and Lower Alum Creek Relief Pump Station and Forcemain Project – Pump Station Contract; and

WHEREAS, Sewer District staff has provided the contract documents and technical specifications for the Lower Alum Creek Relief Pump Station and Forcemain Project – Forcemain Contract and Lower Alum Creek Relief Pump Station and Forcemain Project – Pump Station Contract;

NOW, THEREFORE, BE IT RESOLVED that the specifications for the projects known as Lower Alum Creek Relief Pump Station and Forcemain Project – Forcemain Contract and Lower Alum Creek Relief Pump Station and Forcemain Project – Pump Station Contract are hereby approved, and the Sanitary Engineer is authorized to advertise for and receive bids on behalf of the Board in accordance with the following Legal Notices:

PUBLIC NOTICE
ADVERTISEMENT FOR BIDS

DELAWARE COUNTY REGIONAL SEWER DISTRICT
LOWER ALUM CREEK RELIEF PUMP STATION AND FORCEMAIN PROJECT – FORCE MAIN
CONTRACT
CONTRACT TC-142-FM

Sealed Bids for the construction of the LOWER ALUM CREEK RELIEF PUMP STATION AND FORCEMAIN PROJECT – FORCE MAIN CONTRACT shall be submitted electronically through the www.bidexpress.com web service until **10:00 AM** local time on **Tuesday, 12/8/20**, at which time they will be publicly opened and read aloud.

The Bidder shall furnish all labor and material to construct approximately 8,000 LF of 24” forcemain and 2,100 LF of 30” gravity sewer to connect to Lower Alum Creek Relief Pump Station; 8’x7’ box culvert replacement; and all associated improvements as shown in the contract documents.

Copies of the plans and specifications must be obtained from www.bidexpress.com. All bidders must register and be a member of the web service to bid on the project.

All proposals shall be submitted electronically through the web service www.bidexpress.com. A Bid must be accompanied by Bid security made payable to Owner, in the form of a certified or bank check or a Bid Bond issued by a surety meeting the requirements of Paragraphs 6.01 and 6.02 of the General Conditions and as may be modified by the Supplementary Conditions. The amount of a cashier’s check or certified check must be at least TEN percent (10%) of the Bidder’s maximum bid price (in accordance with Ohio Revised Code Chapter 1305). If a Bid Security is issued in the form of a Bid Bond by a surety meeting the requirements of Paragraphs 6.01 and 6.02 of the General Conditions and as may be modified by the Supplementary Conditions and O.R.C. 153.54, it shall be equal to ONE HUNDRED percent (100%) of the Bidder’s maximum Bid Price. Bid security furnished in bond form shall be issued by a Surety Company or Corporation licensed in the State of Ohio to provide said surety.

The County reserves the right to reject any and all Bids, in whole or in part, to waive any informality in any or all Bids, to accept the Bid it deems lowest and best after the Bids have been examined and checked, and subject to the approval of the County Commissioners.

The Engineer’s Estimate is \$ 4,761,000

A pre-Bid conference will be held on **November 17, 2020** at **10:00 A.M.** at the Delaware County Regional Sewer District Alum Creek Water Reclamation Facility, 7767 Walker Wood Blvd, Lewis Center, Ohio 43035. Attendance at this conference is not required to bid but is encouraged. Masks or face coverings are required for attendees. This conference will be held jointly with the pre-bid conference for a separate related project, Lower Alum Creek Relief Pump Station and Forcemain Project – Pump Station Contract, Contract TC-142-PS.

No Bid shall be withdrawn for a period of sixty (60) days after being publicly opened and read. All Bidders must bid on all items listed on the Bid Form. The successful Bidder shall be required to furnish performance and payment bonds in the amount of 100% of the Contract Price. Carriers must be authorized to do business in the State of Ohio.

The Bid will be advertised on **November 6, 2020** in the Delaware Gazette. The Bid will also be posted on the Delaware County website at www.co.delaware.oh.us and may be accessed by selecting “Public Notices and Bids”.

**COMMISSIONERS JOURNAL NO. 73 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 5, 2020**

21211329-5001	FEMA Task Force 1/Compensation	11,438.04
21211329-5101	FEMA Task Force 1/Health Insurance	892.50
21211329-5102	FEMA Task Force 1/Workers Comp	114.38
21211329-5120	FEMA Task Force 1/OPERS	1,601.32
21211329-5131	FEMA Task Force 1/Medicare	165.85

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

8

RESOLUTION NO. 20-996

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS AND TRANSFER OF FUNDS:

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

Supplemental Appropriation

10011102-5601	Commissioners General/Grants in Aid	1,650,000.00
10011102-5602	Commissioners General/Community Enhancements	1,325,000.00
50111117-5728	Bond Retirement Debt Svc/Legal Fees & Other Exp-Bond	3,500.00

Transfer of Funds

From	To	
10011102-5801	42011438-4601	713,593.59
Commissioners General/Misc. Cash Transfer	Capital Improvements Reserve/Interfund Revenues	
10011102-5801	20411305-4601	40,000.00
Commissioners General/Misc. Cash Transfer	Dog and Kennel/Interfund Revenues	

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

9

RESOLUTION NO. 20-997

IN THE MATTER OF AUTHORIZING THE DELAWARE COUNTY 2020 SMALL BUSINESS PROTECTION PROGRAM AND ADOPTING THE DELAWARE COUNTY 2020 SMALL BUSINESS PROTECTION PROGRAM GUIDELINES, TERMS AND CONDITIONS, AND FORM OF GRANT AGREEMENT:

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

WHEREAS, the Delaware County Board of Commissioners (the "Board") recognizes the ongoing impacts of the COVID-19 public health emergency on small businesses within Delaware County; and

WHEREAS, pursuant to Article VIII, Section 13 of the Ohio Constitution, it is a public purpose to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of Delaware County by providing moneys for the acquisition, construction, enlargement, improvement, or equipment of property, including working capital; and

WHEREAS, pursuant to section 307.07(B)(5) of the Revised Code, the Board may authorize the Economic Development Director to make grants of financial assistance for the purpose of economic development in compliance with applicable laws of this state; and

WHEREAS, the County Administrator and Economic Development Director recommend establishing the Delaware County 2020 Small Business Protection Program, pursuant to Article VIII, Section 13 of the Ohio Constitution and section 307.07(B)(5) of the Revised Code, in order to mitigate the impacts of the COVID-19 public health emergency on economic development within Delaware County; and

WHEREAS, the County Administrator and Economic Development Director recommend the adoption of the Delaware County 2020 Small Business Protection Program Guidelines, Terms and Conditions, and form of Grant Agreement;

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

Section 1. The Board hereby authorizes the Delaware County 2020 Small Business Protection Program,

**COMMISSIONERS JOURNAL NO. 73 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 5, 2020**

pursuant to Article VIII, Section 13 of the Ohio Constitution and section 307.07(B)(5) of the Revised Code, in order to mitigate the impacts of the COVID-19 public health emergency on economic development within Delaware County.

Section 2. The Board hereby approves the following Delaware County 2020 Small Business Protection Program Guidelines, Terms and Conditions, and form of Grant Agreement, and authorizes the Economic Development Director to approve and execute grant agreements in accordance therewith:

Delaware County Small Business Protection Program Guidelines

The Board of Commissioners of Delaware County, Ohio (the “County” or “Board”) created the Small Business Protection Program (the “SBPP”) to aid businesses within Delaware County continuing to struggle with the impacts of the COVID-19 pandemic. This program focuses on supporting small businesses in specific sectors affected by the state’s Stay-at-Home order, as well as, changing business regulations related to social distancing.

2020 has brought with it many unique challenges, especially those caused by the COVID-19 pandemic. These challenges have had a significant impact on the residents, service organizations and businesses that serve our community. Many businesses throughout Delaware County have sustained a disruption in their normal operations which, in turn, has limited their ability to generate profit and revenue necessary to sustain operations.

The County created the Small Business Protection Program given the unique challenges of COVID-19 and to better support the critical needs of our small businesses. The Board has allocated \$2,000,000 of general funds to a small business grant program. The goals for the program are as follows:

1. Create a grant program with awards of up to \$15,000, for eligible for-profit small businesses (corporation, LLC, partnership, joint venture, sole proprietorship) with up to 25 full-time employees and unlimited part-time/contract employees/positions. The criteria would be based on expenses related to COVID-19, such as operating losses from stay-at-home orders and new social distancing requirements. Target Industry Sectors have been determined to be:
Hotels/Motels, Restaurants, Retail, Medical, Technology and Professional Services.
2. Layer the SBPP grant and Revolving Loan Fund together so that they complement each other and do not compete.

Requests for grant assistance must be first initiated by the submission of a grant application (the “Application”). The Application will require, among other items, the submission of certain documents and or information, including but not limited to, a year-to-date financial report, as well as, a 2018/2019 financial report and/or equivalent tax information.

Requests for funding through the SBPP will be granted based on a competitive process and the availability of funds. Submission of an Application is in no way a guarantee of funds being awarded. Any and all grant awards are at the sole discretion of the County.

For-Profit Business Definition

The business must serve as a key income source for an individual and/or be run with the intent to generate a profit. The nine factors outlined by the IRS will be used to assist in the determination (these factors can be viewed here: <https://www.irs.gov/faqs/small-business-self-employed-other-business/income-expenses/income-expenses>).

Business Qualification Criteria

While any for-profit business in the County is welcome to apply for the grant, agencies that meet all or most of the criteria below will be given priority consideration:

1. Applicant must operate within the Targeted Industries, as listed below:
 - a. Hotels/Motels
 - b. Restaurants
 - c. Retail
 - d. Medical
 - e. Technology
 - f. Professional Services
 - g. Light Industrial
2. Applicant must be a for-profit business with no more than 25 full time employees and/or unlimited part-time/contract employee positions. For-profit status must, at a minimum, meet the definition as provided by the Internal Revenue Service, found at <https://www.irs.gov/faqs/small-business-self-employed-other-business/income-expenses/income-expenses>.
3. Applicant must be a registered business with the Ohio Secretary of State.
4. Applicant must be either wholly located within Delaware County and/or the corporate office must be located within Delaware County.

**COMMISSIONERS JOURNAL NO. 73 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 5, 2020**

5. If the Applicant is also a recipient of Delaware County Revolving Loan Funds, the Grantee must utilize the SBPP funds in such a way so as to ensure the two programs are complementary to one another.
6. Applicant must provide a year-to-date financial report, as well as a 2018/2019 financial report and/or equivalent tax information.

If there are any questions regarding these criteria and an organization's eligibility, those organizations are welcome to contact the Economic Development Department at econdevelopment@co.delaware.oh.us.

Grant Request Qualification Categories

Grant requests must provide, at a minimum, the following information:

- Submit a summary of the operating losses sustained during COVID-19 and provide supporting documentation including 2020 financial information and a 2019 financial report and/or tax information.
- Provide a narrative on the impact of COVID-19 on business operations during the Stay At Home Orders as well as Business Re-opening under modified business procedures.

Submission Timeline

The request for grant applications will be advertised in the local newspaper(s), on the Commissioners' website and on social media (e.g. Facebook, Twitter, etc.). The request and application shall be submitted by Friday, December 4, 2020, at 2:00 p.m. Applications will be in a Survey Monkey Format. Grant applications and requests will not be considered if submitted after the deadline.

**DELAWARE COUNTY SMALL BUSINESS PROTECTION PROGRAM
TERMS AND CONDITIONS**

1. The Grantee shall implement or continue the activities as specifically described and stated in the approved Use of Funds attached to the Grantee's Grant Agreement.
2. The Grantee shall:
 - a. Expend all funds in accordance with the Small Business Protection Program (the "SBPP") Grant Agreement.
 - b. Comply with all the requirements now or hereafter in effect for the SBPP, including, but not limited to, the assurances and certifications contained in this Agreement.
 - c. Comply with such further statutory, regulatory, and contractual requirement(s) now or hereafter in effect as may be applicable to the receipt and expenditure of funds authorized herein.
 - d. Utilize grant funds for the approved activities by the expiration of the Grant Term. Funds not expended by the end of the Grant Term shall be returned to the Board. Funds not appropriately documented shall be returned to the overall fund.
3. Unless otherwise extended or modified by the Parties, the Grant Agreement shall remain in effect from the Effective Date until such time as the Grantee has expended or returned to the Board the funds authorized thereunder and met all other obligations of the Grant Agreement.
4. Disbursement of Funds. The Grantee agrees that disbursement(s) under the Grant Agreement shall be made in accordance with Board established schedules and procedures as soon as practical after the Effective Date. The Grantee further agrees that in the event the Grantee is in violation of the Grant Agreement, and the violation has not been remedied by the Grantee, no funds shall be disbursed and any funds already disbursed shall be subject to recapture if not returned on written demand from the Board.
5. Availability of Funds. All funding is subject to the availability of funds and appropriation by the Board. Grants may be reduced accordingly on a unilateral basis. Applicants have the opportunity to receive up to \$15,000.
6. Increase of Funds. The Grantee agrees that the Board may, at its own discretion and with the written concurrence of the Grantee, increase the amount of funds available to the Grantee under the Grant Agreement by amending the SBPP description, SBPP budget, or special conditions contained in the approved description attached to the Grant Agreement. The Grantee further agrees that any such increases shall be governed by the terms of the Grant Agreement and such other statutory, regulatory, or contractual requirements now or hereafter in effect for the receipt and expenditure of the funds.
7. Monitoring. The Grantee agrees that the Board may, at the Board's discretion, audit the Grantee for compliance with the terms and conditions of the Grant Agreement. The Grantee further agrees to provide any books, records, or other documentation in such form and at such place as the Board may request.
8. Records Retention Period. The Grantee shall retain a narrative on the financial impact of COVID-19 including YTD overview of their financials and a 2019 financial report and/or tax information.
9. Reporting Schedule. Within 30 days after the expiration of the Grant Term, as defined in the Grant Agreement, the Grantee shall prepare and submit a final report detailing the use of funds and how the Grantee fulfilled the obligations of the Grant Agreement.
10. All reports, correspondence, and documents required under the Grant Agreement shall be submitted to:

Robert Lamb
Economic Development Director
Delaware County, Ohio
101 North Sandusky Street
Delaware, Ohio 43015
blamb@co.delaware.oh.us

**COMMISSIONERS JOURNAL NO. 73 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 5, 2020**

11. Procurement. The Grantee shall ensure that all procurement transactions shall be conducted in a manner that comports with all competitive bidding laws applicable to the Grantee or, if no such laws apply to Grantee, provides for maximum open and free competition.
12. Cost Overruns. All cost overruns shall be the responsibility of the Grantee.
13. General Compliance. All aspects of the Grantee's plan for the use of funds authorized pursuant to the terms and conditions of the Grant Agreement, including, but not limited to, all supporting documents, plans and specifications, shall be subject to review and approval by the Board staff to ensure compliance with the Board, state and federal guidelines, standards and criteria and shall not be altered without prior written approval from the Board.
14. Records Review. The Grantee hereby agrees that all aspects of the activities described in the Grant Agreement and all documents relating to and supportive of said activities, including, but not limited to, specifications and reports of funds expended, shall be freely available to the Board or its authorized representatives for review by the Board to ensure conformity with the terms of the Grant Agreement.
15. Discrimination. The Grantee agrees that all activities assisted pursuant to the terms and conditions of the Grant Agreement shall be open to all regardless of age, sex, race, religion, disability, color, national origin, or creed and that all contractors, subcontractors, and lending institutions involved shall assure equal opportunity in all areas of employment and borrowing. This section shall be implemented in a manner consistent with state and federal law.
16. Conflict of Interest. If any member of the Grantee's governing body or staff has an identity of interest with any of the persons or businesses providing supplies or services for which funds are being advanced under the SBPP or the Grant Agreement, the Grantee shall make written disclosure of the nature and extent of the relationship to the Board prior to contracting with such persons and/or businesses. The Grantee further agrees not to enter into any contractual relation with any of the persons or entities listed above unless it has received written approval from the Board.
17. Liability. Delaware County and the Board, and their officers, agents, and employees shall not, in any manner, be liable for any loss or damage connected to or resulting from activities implemented under the Grant Agreement, for any injury or damages to any person whether an employee of the Grantee or otherwise, or for damage to any materials, equipment, or other property that may be used or employed in connection herewith.
18. Indemnification; Hold Harmless.
 - a. All liability to third parties, loss or damage as a result of claims, demands, costs, or judgments arising out of activities, such as direct service delivery, to be carried out by the Grantee in the performance of the Grant Agreement shall be the responsibility of the Grantee, and not the responsibility of the Board, if the liability, loss, or damage is caused by, or arises out of, the actions or failure to act on the part of the Grantee, any subcontractor, anyone directly or indirectly employed by the Grantee.
 - b. Grantee shall indemnify and hold free and harmless Delaware County and its officials and 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 extent caused by any negligent acts, errors or omissions of the Grantee, its employees, agents, contractors, subcontractors, and their employees and agents' subcontractors and their employees or any other person for whose acts any of them may be liable.
19. Violations of Grant Agreement. The Board reserves the right to pursue all remedies available to it to cure any violation of the Grant Agreement. In the event the Grantee violates any of the provisions of the Grant Agreement, the Board shall notify the Grantee and give a 30-day period for the Grantee to correct the violation. In the event the violation is not corrected to the satisfaction of the Board, within the time prescribed herein, this Agreement may be terminated forthwith by the Board.
20. Suspension of Grant. If the Grantee has failed to comply with the Grant Agreement, or in the event that funds are no longer available, on reasonable notice to the Grantee, the Board may suspend the grant and prohibit the Grantee from incurring additional obligations of grant funds, pending corrective action by the Grantee, resumption of funding, or a decision to terminate the Grant Agreement.
21. Termination for Cause. The Board may terminate the Grant Agreement, in whole or in part, at any time before the end of the Grant Term, if the Board determines that the Grantee has failed to comply with the conditions of the Grant Agreement or in the event that funds are no longer available. The Board shall promptly notify the Grantee in writing of the determination and the reasons for the termination, together with the effective date thereof.
22. Termination for Convenience. The Board or the Grantee may terminate the Grant Agreement in whole, or in part, when both parties agree that the continuation of the Agreement would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The Grantee shall not incur new obligations for the terminated portion after the effective date of termination, and shall cancel as many outstanding obligations as possible. The Board shall pay, but only from available Grant funds, the Grantee's share of the non-cancelable obligations, properly incurred by the Grantee prior to termination.
23. Remedies. The Grantee agrees that the election of the Board to pursue any of the remedies set forth herein shall not be construed to preclude or be a waiver of the right to pursue any of the other remedies.
24. Severability. The parties agree that the invalidity of any clause, part, or provision of these Terms and Conditions or the Grant Agreement shall not affect the validity of the remaining portions thereof.
25. Governing Law. The Grant Agreement shall be subject to and interpreted in accordance with the laws of the State of Ohio. Any and all disputes arising thereunder shall only be filed in and heard before the courts of Delaware County, Ohio.

COMMISSIONERS JOURNAL NO. 73 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 5, 2020

Delaware County, Ohio

AUDITOR’S CERTIFICATION

The Delaware County Auditor hereby certifies that the funds required to meet the obligations set forth in this Agreement have been lawfully appropriated for such purpose and are in the County treasury or in the process of collection, free from any other encumbrances. The Delaware County Auditor also certifies that it has confirmed with the Ohio Auditor of State that the Grantee has no unresolved findings for recovery issued against it by the State of Ohio.

Date: _____ 2020 _____

George Kaitsa
Auditor, Delaware County, Ohio

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

10

ADMINISTRATOR REPORTS

Mike Frommer, County Administrator

-Went to watch the votes from the polling places come in on Tuesday night at the Board of Elections. Would like to acknowledge Jane Hawes and Marisa Stith for keeping an eye on the BOE’s social media page. Would also like to acknowledge Karla Herron and Anthony Saadey for the tremendous job they did in training 1200 poll workers (90% of which were first-time poll workers).

11

COMMISSIONERS’ COMMITTEES REPORTS

Commissioner Lewis

- Congratulations to Commissioner Benton on his victory for another term.
- Congratulations to the Board of Elections for another successful election.

Commissioner Benton

- The Records Commission met yesterday. They are looking to offer more shared services to townships for record retention.
- MORPC executive committee will meet this afternoon.
- The Arts Castle will have a virtual Preview Party tonight from 6-8 PM.
- CEBCO will meet tomorrow.
- The Veteran’s Day event to rededicate the Veteran’s Plaza in front of the Historic Courthouse will take place on November 11, 2020 at 11:00 AM.

12

RESOLUTION NO. 20-998

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

It was moved by Mrs. Lewis, seconded by Mr. Benton 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 of a public employee or public official.

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

RESOLUTION NO. 20-999

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

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

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

There being no further business, the meeting adjourned.

COMMISSIONERS JOURNAL NO. 73 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 5, 2020

Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners