

**COMMISSIONERS JOURNAL NO. 74 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 25, 2021**

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. 21-130

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD FEBRUARY 22, 2021:

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 February 22, 2021; 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 Mrs. Lewis Aye Mr. Merrell Aye Mr. Benton Aye

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RESOLUTION NO. 21-131

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0224, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0223:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0224, memo transfers in batch numbers MTAPR0224 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
P2100203 (Propertyworx)	Facilities Department	10011105-5325	\$50,000.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Account</u>	<u>Amount</u>
R2102231	RAFTELIS FINANCIAL CONSULTANTS INC	FINANCIAL PLANNING SERVICES	10011102 - 5301	\$ 24,500.00
R2102247	BUCKEYE POWER SALES CO INC	SERVICE CONTRACT	10011105 - 5325	\$ 15,000.00
R2102301	CARR SUPPLY INC	ELECTRICAL SUPPLIES	10011105 - 5201	\$ 6,000.00
R2102302	GARLAND/DBS INC	OECC ROOFING PROJECT - 2021 PHASE	66211900 - 5410	\$361,018.00

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

3
RESOLUTION NO. 21-132

IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, SARA RADCLIFFE, ESQ., ATTORNEY-AT-LAW, KEPHART FISHER LLC, REQUESTING ANNEXATION OF 2.903 ACRES OF LAND IN BERKSHIRE TOWNSHIP TO THE VILLAGE OF SUNBURY:

It was moved by Mrs. Lewis, seconded by Mr. Benton to acknowledge that on February 18, 2021, the Clerk to the Board of Commissioners received a petition requesting annexation of 2.903 acres from Berkshire Township to the Village of Sunbury.

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

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RESOLUTION NO. 21-133

IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, ANDREW WECKER, ESQ., ATTORNEY-AT-LAW, MANOS, MARTIN & PERGRAM CO., LPA, REQUESTING ANNEXATION OF 35.336 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF POWELL:

It was moved by Mr. Benton, seconded by Mrs. Lewis to acknowledge that on February 18, 2021, the Clerk to the Board of Commissioners received a petition requesting annexation of 35.336 acres from Liberty Township to the City of Powell.

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

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RESOLUTION NO 21-134

IN THE MATTER OF ESTABLISHING A NEW FUND AND NEW ORGANIZATION KEY, APPROVING A TRANSFER OF FUNDS AND A SUPPLEMENTAL APPROPRIATION FOR THE TREASURER'S OFFICE:

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

New Fund			
767	Escrow Admin Fund		
New Organization Key			
76714903	Escrow Administration		
Transfer of Funds			
From	To		
76114901-5801	76714903-4601		41,343.54
REA Escrow Fund/Interfund Cash Transfer	Escrow Administration/Interfund Revenues		
Supplemental Appropriation			
76714903-5001	Escrow Administration/Compensation		2,500.00

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

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RESOLUTION NO. 21-135

IN THE MATTER OF APPROVING A PERMIT FOR USE OF DELAWARE COUNTY FACILITIES:

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

WHEREAS, the Delaware County Commissioners passed Resolution No. 19-810 on August 19, 2019, adopting a Delaware County Facilities Permit Policy; and

WHEREAS, it is the intent of the policy to allow persons and organizations access to appropriate Delaware County facilities, grounds and meeting places; and

WHEREAS, each request will only be considered after the receipt of a completed Delaware County Facilities Permit Form; and

WHEREAS, the August 19, 2019 policy mandates approval from the Commissioners for use of county facilities by groups of 30 participants or more that have agreed in writing to full compliance with the Permit Policy;

NOW, THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED that the Delaware County Board of Commissioners hereby authorizes the use of the outside area of the Historic Court House, 91 North Sandusky Street, Delaware, Ohio 43015, by the Vietnam Veterans of America-Chapter 1095, on March 29, 2021; at no cost.

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

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RESOLUTION NO. 21-136

IN THE MATTER OF APPROVING AN AGREEMENT BETWEEN THE OHIO ATTORNEY GENERAL, THE BUREAU OF CRIMINAL INVESTIGATION, AND DELAWARE COUNTY

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REGARDING THE NATIONAL WEBCHECK® PROGRAM AND EQUIPMENT:

It was moved by Mrs. Lewis, seconded by Mr. Benton 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;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves 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 Human Resources (“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 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.

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- 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. \$25.25 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 R.C. 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.

V. Compliance with Civilian Background Check Requirements

- A. Agency must comply with all civilian background check requirements included in Ohio law.
- 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

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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

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.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives.

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

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RESOLUTION NO. 21-137**

**IN THE MATTER OF ADOPTING A DELAWARE COUNTY BOARD OF COMMISSIONERS
ELECTRONIC SIGNATURE POLICY AND SECURITY PROCEDURE:**

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

**DELAWARE COUNTY BOARD OF COMMISSIONERS
ELECTRONIC SIGNATURE POLICY AND SECURITY PROCEDURE**

I. PURPOSE

The purpose of this Electronic Signature Policy and Security Procedure (“Policy”) is to facilitate the usage of electronic signatures for any and all records and documents where practicable. In order to increase efficiency in matters requiring signature authorization, the Delaware County Board of Commissioners (the “Board”), either

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directly or through its authorized representatives, may require or permit a person to use an electronic signature in lieu of a handwritten signature in order to sign certain records or documents.

II. APPLICABILITY

This Policy applies to the Board, including all departments, offices, employees, and volunteers under the Board's appointing authority, the Board's vendors and contractors, and any other person conducting business with the Board or one of its departments if the business conducted requires the execution of a record or document.

III. AUTHORITY

This Policy is adopted pursuant to Chapters 304 and 1306 of the Revised Code. The Board authorizes the County Administrator to perform the following functions: (1) contract for the provision of computer programs, information processing systems, software, and other means to implement this Policy; (2) require or permit, on behalf of the Board, the use of an electronic signature on a record or document; and (3) appoint, in writing, other executive or administrative employees of the Board that may initiate electronic transactions requiring or permitting an electronic signature in accordance with this Policy.

IV. DEFINITIONS

The definitions set forth in sections 304.01 and 1306.01 of the Revised Code, as may be amended from time to time, shall apply to this Policy and are, by this reference, incorporated herein.

V. POLICY CONDITIONS

- A. Form of Transaction: The Board and its authorized representatives reserve the right to determine whether to conduct a transaction utilizing this Policy or via hard-copy records or documents with handwritten signatures.
- B. Official Initiation: In order for a person to use an electronic signature as permitted in this Policy, the transaction must first be initiated by an employee authorized to initiate electronic transactions utilizing the program the County Administrator designates. Any electronic signature submitted without official initiation as stated herein may be rejected; provided, however, the Board reserves the right to accept as authentic any record or document submitted with an electronic signature.
- C. External Records and Documents: Any person that is entering into an agreement, a contract, or another transaction with the Board that requires execution of a record or document may use an electronic signature, subject to the requirements of this Policy.
- D. Internal Records and Documents: Any employee of the Board that is required or permitted to execute a record or document in the course of the employee's official duties may use an electronic signature, subject to the requirements of this Policy. Any employee of the Board that is required or permitted to execute a record or document as a condition of, or otherwise related to, employment (e.g., the acknowledgment of receipt of policies, human resources forms, etc.) may use an electronic signature, subject to the requirements of this Policy.
- E. Binding Effect: Pursuant to section 1306.06, an electronic signature shall be binding on the person and have the same force and effect as a handwritten signature.

VI. SECURITY PROCEDURES

- A. Software Program: The County Administrator shall designate one or more programs through which electronic signatures shall be processed in accordance with this Policy. The designated programs shall, at a minimum, include individual user accounts with unique usernames and passwords or other access control measures, document encryption and identification keys, secure transmission of records or documents, alteration detection, and audit reports or trails.
- B. Administrative User Accounts: Any employee authorized to initiate electronic transactions shall have an individual administrative user account that allows for the creation and distribution of the electronic record or document for electronic signature. The employee with an administrative user account shall be responsible for managing the entire transaction, including document creation, collection and verification of all signatures, confirming that the document is complete without alteration, distribution of the completed record or document, and properly retaining the record or document. Signature verification shall be made through a program authorized pursuant to this Policy using each signer's current, authentic, and regularly-monitored email address that is capable of independent verification. The administrative user shall, in the event an email address is not independently verified, confirm the authenticity of any electronic signature through telephone or in-person signer acknowledgment.
- C. Signer Accounts: User accounts shall not be required for persons required or permitted to sign a record or document with an electronic signature, but each person shall adopt an electronic signature and is responsible for reviewing and confirming all uses thereof. The person shall use a current, authentic, and

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regularly-monitored email address that is capable of independent verification. Employees of the Board shall use their Delaware County email address, if they have been assigned one.

- D. Alteration: A person to whom a record or document is submitted for electronic signature shall not modify or alter the original record or document, except for the addition of that person's electronic signature and, if applicable, date/time stamp.
- E. Employee Prohibited Conduct: Employees of the Board shall not use an electronic signature on behalf of another employee, absent express authorization from the employee and the employee's supervisor, or designee, with such authorization to sign on behalf of another documented in writing. Employees of the Board shall immediately report any suspicious or fraudulent activity related to the use of electronic signatures to the employee's supervisor or Human Resources. Any employee who falsifies an electronic signature or in any other way violates this Policy may be subject to discipline, up to and including termination, as well as potential criminal prosecution, if applicable.
- F. Audit Reports or Trails: Each record or document signed in accordance with this Policy shall have attached to it a secure, computer-generated audit report or audit trail that records independently the following information: the document title, file name, and unique identifier; the date, time, and identification of all user actions that create, modify, or delete electronic information contained in the record or document; the date and time of all electronic signatures, with identification of the user by name, email address, and/or IP address; and any other information for the purpose of verifying that an electronic signature, record, or performance is that of a specific person or for detecting changes or errors in the information in an electronic record or document.
- G. Monitoring: Each employee with an administrative user account shall review the audit reports of each record or document and immediately report any irregularities to their supervisor or department director. The County Administrator shall coordinate with the Delaware County Data Center to conduct regular tests and evaluations of the security procedures under this Policy and to address any errors or deficiencies with Data Center staff and program vendors.
- H. State and County Audits: The Ohio Auditor of State is required to inquire into the method, accuracy, and effectiveness of these security procedures. Therefore, all Board employees shall fully cooperate with any review or audit conducted by the Delaware County Auditor or Ohio Auditor of State with respect to this Policy.

VII. EFFECTIVE DATE

This Policy shall be effective immediately upon adoption and continue in force and effect until amended, superseded, or rescinded.

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

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ADMINISTRATOR REPORTS

-none

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COMMISSIONERS' COMMITTEES REPORTS

Commissioner Lewis

-Congratulations to Sean Miller, Director DCEMA, receiving his Master's Degree

Commissioner Benton

-Working with State Treasurer's Office on portfolio investment options
-Regional Planning Meeting tonight
-CEBCO meeting Friday morning
-Legislative meeting Friday afternoon
-Working with CA Frommer and others on a Debt information

Commissioner Merrell

-Regional Planning Meeting tonight
-CCAO Friday afternoon

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RESOLUTION NO. 21-138

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF THE SALE OF PROPERTY AT COMPETITIVE BIDDING AND FOR PENDING OR IMMINENT LITIGATION:

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

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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;

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 the sale of property at competitive bidding and for pending or imminent litigation.

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

RESOLUTION NO. 21-139

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 Mr. Benton Aye Mrs. Lewis Aye

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners