

COMMISSIONERS JOURNAL NO. 77 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD JUNE 6, 2022

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

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

10:00 A.M. Final Hearing For The Proposed English 346 Watershed Drainage Improvement

**1**  
RESOLUTION NO. 22-462

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JUNE 2, 2022:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on June 2, 2022; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.11 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

**2**  
PUBLIC COMMENT  
-None.

**3**  
RESOLUTION NO. 22-463

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0603:

It was moved by Mr. Merrell, seconded by Mr. Benton to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0603 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
<b>PO' Increase</b>			
P2201299 VARIOUS EMS REIMBURSEMENTS	TRAVEL	10011303-5310	\$6,000.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Account</u>	<u>Amount</u>
R2203300	RUDD EQUIPMENT COMPANY	REPAIR TRACK STEER INVOLVED IN ROLLOVER	60111901 - 5370	\$5,166.18

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

**4**  
RESOLUTION NO. 22-464

IN THE MATTER OF AWARDING BIDS FOR THE 2022 ANNUAL DRAINAGE MAINTENANCE CONTRACT:

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

**Drainage Maintenance Bid Award Recommendation  
Bids Opened January 25, 2022**

WHEREAS, as a result of the bids opened January 25, 2022, for drainage maintenance for 2022, the Engineer recommends that a non-exclusive bid award be made to: I-Dig Construction Group; Petty Farms; G&G Enterprises Complete Excavating Service, LLC; Decker Construction Company; MLS Construction Services, LLC; C&M Farm Drainage, LLC; and Boss Excavating & Grading Inc.;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby approves non-exclusive bid award for the 2022 annual drainage maintenance contract to the following bidders: I-Dig Construction Group; Petty Farms; G&G Enterprises Complete Excavating Service,

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LLC; Decker Construction Company; MLS Construction Services, LLC; C&M Farm Drainage, LLC; and Boss Excavating & Grading Inc.

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

**RESOLUTION NO. 22-465**

**IN THE MATTER OF APPROVING OWNER’S AGREEMENT FOR BERLIN MANOR SECTION 2:**

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

WHEREAS, the Engineer recommends approving the Owner’s Agreement for Berlin Manor Section 2;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Owner’s Agreement for Berlin Manor Section 2 as follows:

**Berlin Manor Section 2:**

**OWNER’S AGREEMENT**  
**PROJECT NUMBER: 22057**

THIS AGREEMENT, executed on this 6<sup>th</sup> day of June, between Berlin Manor One LLC, hereinafter called “OWNER” and the BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY OHIO (COUNTY COMMISSIONERS), for the project described as Berlin Manor Sec 2 further identified as Project Number 22057 is governed by the following considerations to wit:

Said OWNER is to construct, install or otherwise make all public improvements shown and set forth to be done and performed in compliance with the approved engineering drawings and specifications, all of which are a part of this AGREEMENT.

OPTIONS:

1. Should OWNER elect to record the plat prior to beginning construction, OWNER shall execute bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction as shown in Exhibit “A” attached hereto.
2. Should OWNER elect to proceed to construction prior to recording the plat, no approved financial warranties are necessary until such time as OWNER elects to record the plat. Such plat cannot be recorded until the County Engineer has determined the construction of the project is at least 80% complete.

OWNER hereby elects to use Option 2 for this project.

The financial warranties are to insure faithful performance of this AGREEMENT and the completion of all improvements in accordance with the Delaware County Design, Construction and Surveying Standards and any supplements thereto. The OWNER shall pay the entire cost and expense of said improvements, unless otherwise specifically noted herein.

The OWNER shall indemnify and save harmless Delaware County and all Townships and/or Villages within Delaware County and all of their officials, employees or agents from all claims, suits, actions and proceedings which may originate from or on account of any death, injuries or damages to persons or property received or sustained as a consequence of any actions or omissions of any contractor or subcontractor or from any material, including explosives, or any method used in said work or by or on account of any accident caused by negligence or any other act or omission of any contractor or his agents or employees.

All Public Improvement Construction Shall Be Performed Within One (1) Year From The Date On Which This AGREEMENT Is Executed By The COUNTY COMMISSIONERS.

The OWNER Further Agrees That Any Violations Of Or Noncompliance With Any Of The Provisions And Stipulations Of This AGREEMENT Shall Constitute A Breach Of Contract, And The COUNTY Shall Have The Right To Stop Work Forthwith And Act Against The Performance Surety For The Purpose Of Proper Completion Of The Public Improvements Within This Subdivision.

It Is Further Agreed That Upon Execution Of The AGREEMENT, The OWNER Shall Deposit Thirty Five Thousand Dollars And No Cents (\$35,000.00) Estimated To Be Necessary To Pay The Cost Of Inspection By The Delaware County Engineer. When The Fund Has Been Depleted To Ten Percent (10%) Of The Original Amount Deposited, The OWNER Shall Replenish The Account Upon Notice By The Engineer. Upon Completion Of The Maintenance Period And Acceptance Of The Improvements By The Delaware County Commissioners, The Remaining Amount In The Fund Shall Be Returned To The OWNER.

Upon Completion Of Construction, The OWNER Shall Be Responsible For The Maintenance, Repair Or Construction Of Any And All Defective Materials Or Workmanship For A Period Of One Year. Said OWNER’S Bond, Certified Check, Irrevocable Letter Of Credit Or Other Approved Financial Warranties May Be Reduced To 10% Of The Originally Approved Construction Estimate As Shown In Exhibit “A” For Said

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Maintenance. The Reduction May Be Approved Only After The County Engineer Has Been Provided Evidence That All Work Has Been Accomplished According To The Approved Plan And/Or To The County Engineer's Satisfaction. All Work Is To Be Done In Accordance With The Delaware County Design, Construction And Surveying Standards, And Any Supplements Thereto.

Acceptance Of The Project Into The Public System Shall Be Completed Only After Written Notice To The COUNTY COMMISSIONERS From The County Engineer Of His Approval. The OWNER'S Maintenance Responsibility As Described Above Shall Be Completed Upon Formal Acceptance By The COUNTY COMMISSIONERS.

Any Snow Or Ice Removal, Erosion And Sediment Control Maintenance, Or Other Safety Requirements Deemed Necessary By The County Engineer During The Period Of Construction Or Maintenance Shall Be The Responsibility Of The OWNER. All Of The Funds Set Forth In The AGREEMENT Shall Be Made Available To The County Engineer To Ensure Proper Safety Compliance. The OWNER Shall, Within Thirty (30) Days Of Completion Of Construction And Prior To Final Acceptance, To The COUNTY COMMISSIONERS, As Required, "As-Built" Drawings Of The Improvements, Which Plans Shall Become The Property Of The COUNTY And Remain In The Office Of The Delaware County Engineer.

The OWNER Shall, Within Thirty (30) Days Of Completion Of Construction, Furnish To The COUNTY COMMISSIONERS An Itemized Statement Showing The Cost Of Improvements And An Affidavit That All Material And Labor Costs Have Been Paid. The OWNER Shall Indemnify And Hold Harmless Delaware County And All Townships And/Or Villages Within And All Their Officials, Employees Or Agents From Expenses Or Claims For Labor Or Material Incident To Said Construction Of Improvements.

The OWNER Shall Obtain All Other Necessary Utility Services Incident To The Construction Of The Improvements And For Their Continued Operation. The OWNER Shall Be Responsible For All Utility Charges And Installation Costs. The Utility User Charges Shall Be Paid By The OWNER And Maintained In Continuous Use Throughout The Construction And Testing Phases Until Accepted For Operation And Maintenance By The County.

Should The OWNER Become Unable To Carry Out The Provisions Of This AGREEMENT, The OWNER'S Heirs, Successors Or Assigns Shall Complete And Comply With All Applicable Terms, Conditions, Provisions And Requirements Of This AGREEMENT.

In Consideration Whereof, The BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO Hereby Grants The OWNER Or His Agent, The Right And Privilege To Make The Improvements Stipulated Herein.

**EXHIBIT "A"**

CONSTRUCTION COST ESTIMATE	\$579,600.00
CONSTRUCTION BOND AMOUNT	N/A
MAINTENANCE BOND AMOUNT	\$58,000.00
INSPECTION FEE DEPOSIT	\$35,000.00

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

**6  
RESOLUTION NO. 22-466**

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

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

<b>Supplemental Appropriation</b>		
10011102-5801	Commissioners General/Cash Transfers	14,500,000.00
<b>Transfer of Funds</b>		
<b>From:</b>	<b>To:</b>	
10011102-5801	42011438-4601	14,500,000.00
Commissioners General/Cash Transfers	Capital Improvements Reserve/Interfund Revenues	
<b>Supplemental Appropriation</b>		
42011440-5410	North Campus Renovations/Building & Improvements	14,500,000.00

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

**7  
RESOLUTION NO. 22-467**

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**IN THE MATTER OF APPROVING A SUPPLEMENTAL APPROPRIATION:**

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

<b>Supplemental Appropriation</b>						
10011102-5602	Commissioners General/Community Enhancements	250,000.00				
Vote on Motion	Mr. Merrell	Aye	Mrs. Lewis	Aye	Mr. Benton	Aye

*Other Business:*

**RESOLUTION NO. 22-468**

**IN THE MATTER OF AWARDING COMMUNITY ENHANCEMENT GRANTS:**

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

WHEREAS, the Delaware County Board of Commissioners (the “Board”) solicited applications for funding through the Delaware County 2022 Community Enhancement Grant Program (the “Program”); and

WHEREAS, various organizations have submitted applications for Program funding from Delaware County; and

WHEREAS, the County Administrator, in consultation with other Board staff, has reviewed the applications and recommends that the Board award grants pursuant to the Program;

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

Section 1. The Board hereby approves the Program Guidelines, Terms and Conditions and form Grant Agreement, which are attached hereto and, by this reference, incorporated herein.

Section 2. The Board hereby awards Delaware County 2022 Community Enhancement Grants as follows:

Boardman Arts Park, Inc.	\$20,000
Central Ohio Symphony	\$6,500
Delaware County Convention and Visitors Bureau	\$15,000
Delaware County Cultural Arts Center (Arts Castle)	\$14,000
Delaware County Historical Society	\$30,000
Hartford Independent Agricultural Society	\$3,300
Living in Liberty Community Improvement Corporation	\$8,000
People In Need, Inc., of Delaware County, Ohio	\$40,000
Recreation Unlimited Farm and Fun, Inc.	\$12,750
Stockhands Horses for Healing	\$7,555
Strand Theatre and Cultural Arts Association	\$20,000
Stratford Ecological Center	\$10,000
Women’s City Club Foundation	\$23,000
Family Promise	\$10,000
Unity Community Center	\$20,000

Section 3. The grant awards made herein shall be subject to the Program Guidelines, Terms and Conditions, and Grant Agreement, and each award is contingent upon the awardee returning an executed Grant Agreement, with any supplemental documentation required by the Delaware County Auditor, no later than the deadline set by the County Administrator.

Section 4. The County Administrator is hereby authorized to notify each awardee of its grant award, to execute all Grant Agreements in substantially the same form as approved herein, and to approve purchase orders necessary to effectuate the awards made herein.

Section 5. This Resolution shall be effective immediately upon adoption.

**DELAWARE COUNTY 2022 COMMUNITY ENHANCEMENT GRANT PROGRAM  
GUIDELINES**

The Delaware County Board of Commissioners desires to enhance the quality of life in Delaware County by

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awarding limited monetary grants to eligible charitable agencies within the county on the basis of the agencies' needs and the direct benefit they provide to the community. These grants will provide nonprofit organizations in the County a financial resource to complete projects or activities designed to improve the delivery, quality, and efficiency of programs and services to Delaware County residents.

The total amount available for grants will be determined as part of the annual budget prior to the application period. There will be no limit on the number of agencies allowed to apply, but the funding available will not increase or decrease based on the number of qualified applications. Additionally, there is no requirement that all the funds appropriated to this program shall be spent. Therefore, if there are not enough eligible projects to utilize the funds available, the remaining funds may be re-appropriated to other purposes in that fiscal year.

Application for a grant is no guarantee of funding. Each year there are more applicants and increases in the total amount requested. These grants are considered competitive and failure to receive funding in the current year does not preclude an organization's ability to apply in future years.

The awarding of Community Enhancement Grants is within the sole discretion of the Board of Commissioners and will be made only upon consideration of written applications, and subject to the requirements and criteria set forth below.

Priority for awards will be given to those organizations that have a project that can be considered a "one time" project, activity, or capital improvement that enhances the community or the organization's ability to serve the County.

Consideration may be given to those organizations that have not received funding in the past in an effort to spread these funds to as many organizations as possible. While winning an award will not disqualify an agency from receiving an award in the current fiscal year, it will be a consideration made by the Commissioners during the deliberation process.

The request for grant applications will be advertised in the local newspaper or newspapers, on the Commissioners' website and on social media (for example Facebook, Twitter, etc.). In addition to these public notices, emails (if an email address is on file) or letters will be sent to prior award applicants to let them know that applications are being considered.

The application period will be open for three weeks. Once the applications period is closed, the grant requests will be reviewed and presented to the Commissioners. Grant applications will not be considered if a complete application is submitted after the deadline: This includes all required attachments/ancillary materials.

Within three (3) weeks of the application period close date, the Commissioners' Office will determine which projects meet the criteria set forth in this document, and those agencies with eligible projects may be invited to a Commissioners' work session to provide a 15-minute presentation to the Commissioners about their project. Please note: the 15 minutes will include question and answer time with the Commissioners. Within four (4) weeks of that presentation, the agencies receiving grant awards will be notified and the projects being funded will be announced publically.

All materials that may be presented to the Commissioners during a 15-minute presentation must be submitted with the grant application. Please note that not being invited to make a presentation is not an indication that a grant request has been denied.

As a condition of receiving grant funding, an agency shall be required to enter into a grant agreement with the Commissioners' Office. Recipients shall be required to submit adequate documentation of the expenses incurred in accordance with the grant agreement. Upon request during the grant period and upon project completion, the agency shall submit a report to the Commissioners' Office for review. Please note: the Commissioners' Office will not pay the contractors or other payees for the projects directly. Funds will only be dispersed to the agencies awarded grants and only after those agencies have submitted a signed grant agreement and any supporting documentation. Grant periods are dependent upon the project, activity, or service to be funded, not to exceed eighteen (18) months.

**Does your organization meet this definition for a charitable agency:**

An eligible *charitable agency for this program* is defined as an organization that the IRS recognizes as exempt from taxation OR an organization whose funds are managed by The Foundation for Delaware County which maintains a 501(c)(3) status for other organizations to take advantage of to support their charitable causes. This definition includes organizations that are tax-exempt under section 501(c)(3) of the Internal Revenue Code or other applicable provisions of the Internal Revenue Code.

"To be tax-exempt under section 501(c)(3) of the Internal Revenue Code, an organization must be organized and operated exclusively for exempt purposes set forth in section 501(c)(3), and none of its earnings may inure to any private shareholder or individual. In addition, it may not be an action organization, i.e., it may not attempt to influence legislation as a substantial part of its activities and it may not participate in any campaign activity for or against political candidates." (<https://www.irs.gov/charities-non-profits/charitable-organizations/exemption-requirements-section-501c3-organizations>)

The exempt purposes set forth in section 501(c)(3) are charitable, religious, educational, scientific, literary,

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testing for public safety, fostering national or international amateur sports competition, and preventing cruelty to children or animals. The term charitable is used in its generally accepted legal sense and includes relief of the poor, the distressed, or the underprivileged; advancement of religion; advancement of education or science; erecting or maintaining public buildings, monuments, or works; lessening the burdens of government; lessening neighborhood tensions; eliminating prejudice and discrimination; defending human and civil rights secured by law; and combating community deterioration and juvenile delinquency. (<https://www.irs.gov/charities-non-profits/charitable-organizations/exempt-purposes-internal-revenue-code-section-501c3>).

**While any non-profit and or charitable organization 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:**

Does your organization provide programs or services that benefit the Delaware County community as a whole, without regard to any recognized protected class?

Is your organization structured to support a need within the Delaware County community? Examples include: health, safety, nutrition, families, children, education, senior citizens, finance, transportation, environment, culture, and neighborhood enhancement.

Will your organization be able to maintain its tax-exempt status with the IRS for the duration of the grant period?

Does your organization comply with all Ohio laws applicable to charitable agencies and is an agency eligible to receive funds appropriated by the Commissioners as defined under the following Ohio Revised Codes: 307.23, 307.26, 307.692, 307.76, 307.761, 307.85(A), 307.85(B), 1711.22 and 307.698?

Is your organization directed by an active board of trustees who have no material conflicts of interest?

Has your organization been in existence for at least three (3) years prior to application?

Does your organization have a stated policy of non-discrimination and comply with all federal and state laws and regulations on non-discrimination and equal opportunity?

The operating revenue of the organization, as reported on the most recent 990 report, must be less than \$2.5 million. Does your organization meet this standard?

Does your organization agree to be subject to audit to the extent necessary to ensure compliance with these eligibility criteria?

Project or activity must be ready to be completed within the period of the grant award, not to exceed eighteen months.

Monies requested must not be used to fund operating expenses.

Requests are limited to one project per agency. Requests made for multiple projects with the intent for the Commissioners to choose one, or multiple projects, will not be considered.

**Applicants must provide the following information:**

- A 2-3 sentence summary of the project and an estimate of the timeline for the project
- Brief explanation of how this project will help and or enhance the Delaware County Community
- Amount requested in \$ (this should be an estimate of the project cost or, if available, an actual quote from a vendor or contractor)
- Proof of tax-exempt status
- Copy of three (3) most recent 990 reports
- List of board members and their professional and/or other volunteer affiliations
- Copy of your organization's policy of non-discrimination
- A detailed estimate of project cost or, if available, a quote from a vendor or contractor
- Presentation materials (can be a PowerPoint file and/or a Word or PDF handout)

**DELAWARE COUNTY 2022 COMMUNITY ENHANCEMENT GRANT PROGRAM  
TERMS AND CONDITIONS**

1. The Grantee shall implement or continue the activities as specifically described and stated in the approved program or project description attached to the Grantee's Grant Agreement.

2. The Grantee shall:

a. Expend all funds in accordance with the requirements pertaining to eligible costs under the Delaware County 2022 Community Enhancement Grant Program (the "Program") Guidelines.

b. Comply with all the requirements now or hereafter in effect for the Program, including, but not limited to, the assurances and certifications contained in this Agreement.

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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 end of the Grant Term. Funds not committed and/or expended by the end of the Grant Term shall be returned to the Board.

3. Unless otherwise extended, suspended, or terminated by the Board, 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 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 practicable 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 Board funding is subject to the availability of funds, subject to appropriation by the Board. Therefore, it is possible grants could be reduced accordingly on a unilateral basis.

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 Program description, Program 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 all financial records, supporting documents, statistical records, and all other pertinent records for a period of four (4) years. The retention period shall commence from the date that the Grantee's final audit and report are approved by the Board.

9. Reporting Schedule. The Grantee shall prepare and submit reports and documents relating to and supportive of the activities described in the Grant Agreement as the Board may require.

10. All reports, correspondence, and documents required under the Grant Agreement shall be submitted to:

Tracie Davies  
County Administrator  
Delaware County, Ohio  
91 North Sandusky Street  
Delaware, Ohio 43015  
tdavies@co.delaware.oh.us

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. Reasonable Costs. The Grantee hereby agrees that payment for services, supplies or materials shall not exceed the amount ordinarily paid for such services, supplies or materials in the area where the services are rendered or the supplies or materials are furnished.

13. Cost Overruns. All cost overruns shall be the responsibility of the Grantee.

14. 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 Board staff to ensure compliance with Board, state and federal guidelines, standards and criteria and shall not be altered without prior written approval from the Board.

15. 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.

16. Contractors and Subcontractors. The Grantee shall ensure that any agreements with contractors or subcontractors for any of the purposes of the Grant Agreement are made subject to the terms and conditions of the Program and the Grant Agreement.

17. The Grantee, all contractors and subcontractors shall maintain during the term of the Grant Agreement

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adequate insurance coverage insuring the interests of all parties to the Grant Agreement against any and all claims which may arise out of the Grantee's or contractor's or subcontractor's operations under the Grant Agreement.

18. 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.

19. 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 Program 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.



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GRANT AGREEMENT BETWEEN  
THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND  
[NAME]

This Agreement is entered into on \_\_\_\_\_, 2022, by and between the Delaware County Board of Commissioners (the "Board"), and [NAME] (the "Grantee").

I. GRANT OF FUNDS; GOVERNING DOCUMENTS

The Board shall provide a Delaware County 2022 Community Enhancement Grant to the Grantee in the maximum amount of [AMOUNT] Dollars (\$). The grant of funds shall be subject to the Delaware County 2022 Community Enhancement Grant Program Guidelines and Terms and Conditions, which are hereby incorporated by this reference as if fully set forth herein.

II. EFFECTIVE DATE; GRANT TERM

This Agreement shall be effective as of the date first written above (the "Effective Date"), and the Grantee shall spend, apply, or otherwise utilize the funds provided under Agreement in accordance with the terms hereof on or after the Effective Date but no later than \_\_\_\_\_ (the "Grant Term"), unless extended upon written agreement of both parties.

III. USE OF GRANT FUNDS

The Board will provide funds for, and the Grantee shall use the funds exclusively for, eligible expenses in accordance with the project description included with the Grantee's application, generally described as follows: [SUMMARY DETAIL].

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement.

GRANTEE

Date: \_\_\_\_\_

By: \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
OF DELAWARE COUNTY, OHIO

Date: \_\_\_\_\_

By: \_\_\_\_\_

Tracie Davies, County Administrator  
Pursuant to Resolution No. 22-\_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
Staff Attorney, Board of Commissioners  
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: \_\_\_\_\_ 2022 \_\_\_\_\_  
George Kaitsa Auditor, Delaware County, Ohio

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

**8**  
**ADMINISTRATOR REPORTS**

Tracie Davies, County Administrator  
-No reports.

**9**  
**COMMISSIONERS' COMMITTEES REPORTS**

Commissioner Benton  
-Will be attending the Local Agricultural Easement Purchase Program meeting tomorrow.

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Commissioner Merrell

-The A/C doesn't seem to be working in this room today. Maybe we can check on the issue.

Commissioner Lewis

-Today is the 76<sup>th</sup> anniversary of D-Day.

**RESOLUTION NO. 22-469**

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

It was moved by Mr. Merrell, 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 appointment; employment; compensation of a public employee or public official.

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

**RESOLUTION NO. 22-470**

**IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:**

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

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

*Other Business:*

**RESOLUTION NO. 22-471**

**IN THE MATTER OF VACATING THE APPOINTMENT OF A MEMBER OF THE DELAWARE-MORROW MENTAL HEALTH & RECOVERY SERVICES BOARD:**

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

WHEREAS, the Delaware-Morrow Mental Health and Recovery Services Board is the body established, pursuant to Chapter 340.02 of the Revised Code, to govern the joint alcohol, drug addiction, and mental health service district of Delaware and Morrow Counties; and

WHEREAS, the Delaware County Board of Commissioners (the "Board") appoints members to the Delaware-Morrow Mental Health and Recovery Services Board, and previously appointed Chris Shamro for a term commencing July 1, 2020 and expiring June 30, 2024, via Resolution No. 20-519; and

WHEREAS, pursuant to section 340.02(G) of the Revised Code, upon the absence of a member within one year from either four meetings or from two meetings without prior notice, the appointing authority may vacate the appointment and appoint another person to complete the member's term; and

WHEREAS, the Executive Director of the Delaware-Morrow Mental Health and Recovery Services Board notified this Board in writing that Mr. Shamro has been absent from meeting four times in the last year;

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

Section 1. The Board hereby vacates the appointment of Chris Shamro to the Delaware-Morrow Mental Health & Recovery Services Board.

Section 2. The Board hereby directs the Clerk to certify a copy of this Resolution to the Delaware-Morrow Mental Health & Recovery Services Board.

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

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

**RESOLUTION NO. 22-472**

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**IN THE MATTER OF RE-APPOINTING A MEMBER AND APPOINTING MEMBERS TO THE DELAWARE-MORROW MENTAL HEALTH & RECOVERY SERVICES BOARD:**

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

WHEREAS, the Delaware-Morrow Mental Health and Recovery Services Board is the body established, pursuant to Chapter 340.02 of the Revised Code, to govern the joint alcohol, drug addiction, and mental health service district of Delaware and Morrow Counties; and

WHEREAS, the Delaware County Board of Commissioners (the "Board") appoints members to the Delaware-Morrow Mental Health and Recovery Services Board for both expired and unexpired terms; and

WHEREAS, the terms for two seats will expire June 30, 2022, and one of the members occupying those seats wishes to be re-appointed; and

WHEREAS, the seat occupied by Christopher Shamro has been vacated, and a vacancy now exists for this seat, the term for which expires June 30, 2024;

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

Section 1. The Board hereby approves the re-appointment of Zachary Miller to the Mental Health & Recovery Services Board for a term commencing July 1, 2022 and expiring June 30, 2026.

Section 2. The Board hereby appoints Ruchelle Pride as a member of the Delaware-Morrow Mental Health & Recovery Services Board for a term commencing July 1, 2022, and expiring June 30, 2026.

Section 3. The Board hereby appoints David Black as a member of the Delaware-Morrow Mental Health & Recovery Services Board for an unexpired term ending June 30, 2024. This appointment shall be effective immediately upon adoption of this Resolution.

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

**10:00A.M. FINAL HEARING FOR THE ENGLISH 346 WATERSHED DRAINAGE IMPROVEMENT PETITION PROJECT**

**THE PROPOSED ENGLISH 346 WATERSHED DRAINAGE IMPROVEMENT PROJECT HAS FOUR (4) POTENTIAL PARTS:**

- "MAIN"
- "LATERAL A-WEST"
- "LATERAL A-EAST"
- "LATERAL B"

**10 RESOLUTION NO. 22-473**

**10:00A.M. FINAL HEARING FOR THE ENGLISH 346 WATERSHED DRAINAGE IMPROVEMENT PROJECT:**

It was moved by Mr. Merrell, seconded by Mr. Benton to open the hearing at 10:06 A.M..

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

**10 continued RESOLUTION NO. 22-474**

**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 Mr. Merrell 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 Mr. Merrell Aye Mrs. Lewis Aye Mr. Benton Aye

**10 continued RESOLUTION NO. 22-475**

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**IN THE MATTER OF CLOSING THE PUBLIC HEARING TO ADDRESS THE ENGLISH 346 WATERSHED DRAINAGE IMPROVEMENT PROJECT:**

It was moved by Mr. Merrell, seconded by Mr. Benton to close the hearing at 10:39A.M..

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

**“MAIN”**

**RESOLUTION NO. 22-476**

**IN THE MATTER OF FINDING IN FAVOR OF THE IMPROVEMENT AND AFFIRMING THE ORDER FOR THE MAIN PART OF THE ENGLISH 346 WATERSHED DRAINAGE IMPROVEMENT PROJECT:**

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

WHEREAS, on May 16, 2018, a Drainage Improvement Petition for the English 346 Watershed Drainage Improvement Project was filed with the Board of Commissioners of Delaware County (the “Board”); and

WHEREAS, on November 1, 2018, the Board adopted Resolution No. 18-1219, finding in favor of the improvement and directing the Delaware County Engineer to proceed with preparation of plans, reports, and schedules for the English 346 Watershed Drainage Improvement Petition Project; and

WHEREAS, on June 6, 2022, the Board 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 English 346 Watershed Drainage Improvement Project; and

WHEREAS, after hearing all the evidence offered in the proceedings and after receiving and considering all the schedules, plans, and reports filed by the County Engineer, 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;

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

Section 1. The Board hereby affirms its former order, finding that the proposed improvement is necessary, that it will be conducive to the public welfare, and that the cost of the proposed improvement will be less than the benefits derived from the improvement. Accordingly, the Board hereby grants the prayer of the petition and approves the maps, profiles, plans, schedules and reports prepared by the Delaware County Engineer.

Section 2. 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. Benton            Aye            Mr. Merrell            Aye

**“MAIN”**

**RESOLUTION NO. 22-477**

**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 ENGLISH 346 WATERSHED DRAINAGE IMPROVEMENT PETITION PROJECT:**

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

WHEREAS, on June 6, 2022, the Delaware County Board of Commissioners (the “Board”) held a final public hearing and, in Resolution No. 22-476, affirmed its order for the Main Part of the English 346 Watershed Drainage Improvement 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;

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

Section 1. The Board hereby approves the assessments for the Main Part of the English 346 Watershed Drainage Improvement Project as prepared by the Delaware County Engineer.

Section 2. Once the watershed is confirmed, the Delaware County Engineer’s estimated assessments are

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hereby approved and confirmed, and the Engineer is ordered to receive bids for the construction of the improvement.

Section 3. The County Engineer is hereby directed to prepare the necessary bid documents and legal advertisements.

Section 4. The County Engineer 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 and for the construction of the improvement.

Section 5. The Board fixes September 6, 2022 as the date 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.

Section 6. The county shall borrow funds to pay for the improvement. 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 interest shall be charged on the installments at the same rate charged to the county for the borrowing of the funds. If, after the deadline for the landowners to pay their assessments upfront passes, the total remaining construction cost to be borrowed is less than \$10,000.00, then the county will front the remaining cost of the construction, and the county will no longer borrow the funds.

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

**“LATERAL A-WEST”  
RESOLUTION NO. 22-478**

**IN THE MATTER OF FINDING IN FAVOR OF THE IMPROVEMENT AND AFFIRMING THE ORDER FOR THE LATERAL A-WEST PART OF THE ENGLISH 346 WATERSHED DRAINAGE IMPROVEMENT PROJECT:**

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

WHEREAS, on May 16, 2018, a Drainage Improvement Petition for the English 346 Watershed Drainage Improvement Project was filed with the Board of Commissioners of Delaware County (the “Board”); and

WHEREAS, on November 1, 2018, the Board adopted Resolution No. 18-1219, finding in favor of the improvement and directing the Delaware County Engineer to proceed with preparation of plans, reports, and schedules for the English 346 Watershed Drainage Improvement Petition Project; and

WHEREAS, on June 6, 2022, the Board 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 English 346 Watershed Drainage Improvement Project; and

WHEREAS, after hearing all the evidence offered in the proceedings and after receiving and considering all the schedules, plans, and reports filed by the County Engineer, 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;

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

Section 1. The Board hereby affirms its former order, finding that the proposed improvement is necessary, that it will be conducive to the public welfare, and that the cost of the proposed improvement will be less than the benefits derived from the improvement. Accordingly, the Board hereby grants the prayer of the petition and approves the maps, profiles, plans, schedules and reports prepared by the Delaware County Engineer.

Section 2. 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            Mr. Merrell            Aye            Mrs. Lewis            Aye            Mr. Benton            Aye

**“LATERAL A-WEST”  
RESOLUTION NO. 22-479**

**IN THE MATTER OF COMMISSIONERS CONFIRMING THE ASSESSMENTS; APPROVING THE PAYMENT SCHEDULE AND ORDERING THE LETTING OF THE CONTRACTS FOR THE LATERAL A-WEST PART OF THE ENGLISH 346 WATERSHED DRAINAGE IMPROVEMENT PETITION PROJECT:**

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

WHEREAS, on June 6, 2022, the Delaware County Board of Commissioners (the “Board”) held a final public hearing and, in Resolution No. 22-478, affirmed its order for the Lateral A-West part of the English 346 Watershed Drainage Improvement 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;

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

Section 1. The Board hereby approves the assessments for the Lateral A-West part of the English 346 Watershed Drainage Improvement Project as prepared by the Delaware County Engineer.

Section 2. 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.

Section 3. The County Engineer is hereby directed to prepare the necessary bid documents and legal advertisements.

Section 4. The County Engineer 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 and for the construction of the improvement.

Section 5. The Board fixes September 6, 2022 as the date 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.

Section 6. The county shall borrow funds to pay for the improvement. 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 interest shall be charged on the installments at the same rate charged to the county for the borrowing of the funds. If, after the deadline for the landowners to pay their assessments upfront passes, the total remaining construction cost to be borrowed is less than \$10,000.00, then the county will front the remaining cost of the construction, and the county will no longer borrow the funds.

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

**“LATERAL A-EAST”  
RESOLUTION NO. 22-480**

**IN THE MATTER OF FINDING IN FAVOR OF THE IMPROVEMENT AND AFFIRMING THE ORDER FOR THE LATERAL A-EAST PART OF THE ENGLISH 346 WATERSHED DRAINAGE IMPROVEMENT PROJECT:**

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

WHEREAS, on May 16, 2018, a Drainage Improvement Petition for the English 346 Watershed Drainage Improvement Project was filed with the Board of Commissioners of Delaware County (the “Board”); and

WHEREAS, on November 1, 2018, the Board adopted Resolution No. 18-1219, finding in favor of the improvement and directing the Delaware County Engineer to proceed with preparation of plans, reports, and schedules for the English 346 Watershed Drainage Improvement Petition Project; and

WHEREAS, on June 6, 2022, the Board 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 English 346 Watershed Drainage Improvement Project; and

WHEREAS, after hearing all the evidence offered in the proceedings and after receiving and considering all the schedules, plans, and reports filed by the County Engineer, 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;

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

Section 1. The Board hereby affirms its former order, finding that the proposed improvement is necessary, that it will be conducive to the public welfare, and that the cost of the proposed improvement will be less than the benefits derived from the improvement. Accordingly, the Board hereby grants the prayer of the petition and approves the maps, profiles, plans, schedules and reports prepared by the Delaware County Engineer.

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Section 2. 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            Mr. Merrell            Aye            Mr. Benton            Aye            Mrs. Lewis            Aye

**“LATERAL A-EAST”**  
**RESOLUTION NO. 22-481**

**IN THE MATTER OF COMMISSIONERS CONFIRMING THE ASSESSMENTS; APPROVING THE PAYMENT SCHEDULE AND ORDERING THE LETTING OF THE CONTRACTS FOR THE LATERAL A-EAST PART OF THE ENGLISH 346 WATERSHED DRAINAGE IMPROVEMENT PETITION PROJECT:**

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

WHEREAS, on June 6, 2022, the Delaware County Board of Commissioners (the “Board”) held a final public hearing and, in Resolution No. 22-480, affirmed its order for the Lateral A-East part of the English 346 Watershed Drainage Improvement 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;

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

Section 1. The Board hereby approves the assessments for the Lateral A-East part of the English 346 Watershed Drainage Improvement Project as prepared by the Delaware County Engineer.

Section 2. 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.

Section 3. The County Engineer is hereby directed to prepare the necessary bid documents and legal advertisements.

Section 4. The County Engineer 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 and for the construction of the improvement.

Section 5. The Board fixes September 6, 2022 as the date 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.

Section 6. The county shall borrow funds to pay for the improvement. 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 interest shall be charged on the installments at the same rate charged to the county for the borrowing of the funds. If, after the deadline for the landowners to pay their assessments upfront passes, the total remaining construction cost to be borrowed is less than \$10,000.00, then the county will front the remaining cost of the construction, and the county will no longer borrow the funds.

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

**“LATERAL B”**  
**RESOLUTION NO. 22-482**

**IN THE MATTER OF FINDING IN FAVOR OF THE IMPROVEMENT AND AFFIRMING THE ORDER FOR THE LATERAL B PART OF THE ENGLISH 346 WATERSHED DRAINAGE IMPROVEMENT PROJECT:**

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

WHEREAS, on May 16, 2018, a Drainage Improvement Petition for the English 346 Watershed Drainage Improvement Project was filed with the Board of Commissioners of Delaware County (the “Board”); and

WHEREAS, on November 1, 2018, the Board adopted Resolution No. 18-1219, finding in favor of the improvement and directing the Delaware County Engineer to proceed with preparation of plans, reports, and schedules for the English 346 Watershed Drainage Improvement Petition Project; and

WHEREAS, on June 6, 2022, the Board held a final public hearing to determine if the action is necessary,

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conducive to the public welfare, and the benefits derived exceed the cost incurred for the English 346 Watershed Drainage Improvement Project; and

WHEREAS, after hearing all the evidence offered in the proceedings and after receiving and considering all the schedules, plans, and reports filed by the County Engineer, 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;

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

Section 1. The Board hereby affirms its former order, finding that the proposed improvement is necessary, that it will be conducive to the public welfare, and that the cost of the proposed improvement will be less than the benefits derived from the improvement. Accordingly, the Board hereby grants the prayer of the petition and approves the maps, profiles, plans, schedules and reports prepared by the Delaware County Engineer.

Section 2. 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. Benton              Aye              Mr. Merrell              Aye

**“LATERAL B”  
RESOLUTION NO. 22-483**

**IN THE MATTER OF COMMISSIONERS CONFIRMING THE ASSESSMENTS; APPROVING THE PAYMENT SCHEDULE AND ORDERING THE LETTING OF THE CONTRACTS FOR THE LATERAL B PART OF THE ENGLISH 346 WATERSHED DRAINAGE IMPROVEMENT PETITION PROJECT:**

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

WHEREAS, on June 6, 2022, the Delaware County Board of Commissioners (the “Board”) held a final public hearing and, in Resolution No. 22-482, affirmed its order for the LATERAL B part of the English 346 Watershed Drainage Improvement 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;

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

Section 1. The Board hereby approves the assessments for the LATERAL B part of the English 346 Watershed Drainage Improvement Project as prepared by the Delaware County Engineer.

Section 2. 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.

Section 3. The County Engineer is hereby directed to prepare the necessary bid documents and legal advertisements.

Section 4. The County Engineer 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 and for the construction of the improvement.

Section 5. The Board fixes September 6, 2022 as the date 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.

Section 6. The county shall borrow funds to pay for the improvement. 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 interest shall be charged on the installments at the same rate charged to the county for the borrowing of the funds. If, after the deadline for the landowners to pay their assessments upfront passes, the total remaining construction cost to be borrowed is less than \$10,000.00, then the county will front the remaining cost of the construction, and the county will no longer borrow the funds.

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

There being no further business, the meeting adjourned.



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Gary Merrell

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Barb Lewis

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Jeff Benton

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Jennifer Walraven, Clerk to the Commissioners