

COMMISSIONERS JOURNAL NO. 77 - DELAWARE COUNTY
 MINUTES FROM REGULAR MEETING HELD OCTOBER 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

Absent:
 Gary Merrell, Commissioner

1
 RESOLUTION NO. 22-843

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD OCTOBER 3, 2022:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on October 3, 2022; 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 Absent Mr. Benton Aye

2
 PUBLIC COMMENT
 -None.

3
 RESOLUTION NO. 22-844

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1004 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR1004:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1004, memo transfers in batch numbers MTAPR1004 and Purchase Orders as listed below:

PR Number	Vendor Name	Line Description	Line Account	Amount
R2204451	RAVINES AT MEADOW RIDGE LLC	DEDICATED RIGHT OF WAY	45411450 - 5402	\$1,100,000.00
R2204513	GOVERNMENTJOBS COM INC	NEGOV LEARN SOFTWARE	10011108 - 5320	\$11,107.89
R2204514	DELAWARE AUTO SALES LLC	REPAIR 21-1 3853	60111901 - 5370	\$17,500.00
R2204537	VASU COMMUNICATIONS INC	64 MOBILE RADIOS AND 12 PORTABLE RADIOS	21411306 - 5260	\$201,383.78

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

4
 RESOLUTION NO. 22-845

IN THE MATTER OF A TRANSFER LIQUOR LICENSE REQUEST FROM CLB 23 CORP (DBA 23 DRIVE THRU) TO 23 EXPRESS DRIVE THRU LLC (BOTH LOCATED AT 5810 COLUMBUS PIKE, LEWIS CENTER, OHIO 43035) AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:

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

WHEREAS, the Ohio Division of Liquor Control has notified the Delaware County Board of Commissioners of a request for a transfer of a C1, C2, D3, D6 liquor license request from transfer of a liquor license request from CLB 23 Corp (DBA 23 Drive Thru) To 23 Express Drive Thru LLC (Both Located At 5810 Columbus

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Pike, Lewis Center, Ohio 43035).; and

WHEREAS, the Delaware County Board of Commissioners has found no reason to file an objection;

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Board shall complete the necessary forms and notify the Ohio Division of Liquor Control that no objections are made and no hearing is requested by this Board of County Commissioners.

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

5
RESOLUTION NO. 22-846

IN THE MATTER OF APPROVING THE AMENDMENT TO THE LICENSE AGREEMENT BY AND BETWEEN DELAWARE COUNTY AND TYLER TECHNOLOGIES, INC. FOR EMERGENCY COMMUNICATIONS SOFTWARE:

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

WHEREAS, the Director of Emergency Communications recommends approval of the amendment to the License Agreement with Tyler Technologies for Emergency Communications Software;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the amendment to the License Agreement with Tyler Technologies for Emergency Communications Software, as follows:

AMENDMENT

This amendment (“Amendment”) is effective as of the date of signature of the last party to sign as indicated below (“Amendment Effective Date”) by and between Tyler Technologies, Inc., a Delaware corporation with offices at 840 West Long Lake Road, Troy, MI 48098 (“Tyler”) and Delaware County, Ohio, with offices at 149 North Sandusky Street, Delaware, Ohio 43015 (“Client”).

WHEREAS, Tyler and the Client are parties to a License and Services Agreement with an effective date of December 2, 2019 (the “Agreement”); and

WHEREAS, Tyler and Client now desire to amend the Agreement.

NOW THEREFORE, in consideration of the mutual promises hereinafter contained, Tyler and the Client agree as follows:

- 1. Tyler hereby agrees to issue Client a refund in the amount of \$11,712 for license fees paid for the following Tyler Software in the Agreement:

Use of Force at the contract price of \$2,000; and
Use of Force Reporting [259] at the contract price of \$9,712.

This Amendment, upon execution, shall serve as Client’s documentation for the refund to be issued. The refund shall be issued to the following:

Delaware County 911
10 Court Street
Delaware, OH 43015

- 2. Client elects not to receive maintenance and support services, as defined in its License and Services Agreement with Tyler, on the following applications (the “Cancelled Applications”):

Use of Force; and
Use of Force Reporting [259]

By discontinuing maintenance on the Cancelled Applications, Client understands that it is losing the rights and benefits, and accepting the consequences, summarized below:

- The Maintenance and Support Agreement set forth in Client’s contract with Tyler will no longer apply to the Cancelled Applications;
- Client will only receive maintenance and support on a time and materials basis, at Tyler’s then-current rates or such other rates as Tyler deems necessary to account for Client’s lack of ongoing training on the Cancelled Applications, with all of those services being charged at a two (2) hour minimum for every support call Client makes; and
- 3. Client will receive the lowest priority under the applicable Support Call process. Accordingly,

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Invoice #130-129628 dated August 1, 2022 is hereby credited in the amount of \$2,582.93 for the discontinued maintenance and support services as set forth above.

- 4. This Amendment shall be governed by and construed in accordance with the terms and conditions of the Agreement.
- 5. All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, a duly authorized representative of each party has executed this Amendment as of the date of signature of the last party to sign as indicated below.

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

6
RESOLUTION NO. 22 –847

IN THE MATTER OF APPROVING AN ONLINE SUBSCRIPTION AND SERVICES AGREEMENT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND PROCORE TECHNOLOGIES, INC. FOR CLOUD-BASED CONSTRUCTION MANAGEMENT AND PROGRESS DOCUMENTATION SOFTWARE:

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

WHEREAS, Procore Technologies, Inc. offers cloud-based construction management and progress documentation software; and

WHEREAS, Sewer District staff desires to utilize Procore Technologies, Inc. construction management and progress documentation software for Sewer District construction projects; and

WHEREAS, the Sanitary Engineer recommends approval of an agreement with Procore Technologies, Inc.;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the following Agreement with Procore Technologies, Inc.

PROCORE TECHNOLOGIES, INC. SUBSCRIPTION AND SERVICES AGREEMENT
(A copy of this agreement is available in the Sanitary Engineer’s Office and in the Commissioners’ Office until no longer of administrative value)

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

7
RESOLUTION NO. 22-848

IN THE MATTER OF APPROVING A JOINT APPLICATION BY THE PROSECUTING ATTORNEY AND THE BOARD OF COUNTY COMMISSIONERS TO THE COMMON PLEAS COURT TO AUTHORIZE THE BOARD TO EMPLOY OUTSIDE LEGAL COUNSEL TO ASSIST THE TREASURER WITH A CERTAIN CONTRACTUAL MATTER:

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

PREAMBLE

WHEREAS, pursuant to R.C. § 305.14(A), the Board desires to approve a joint application by it and the Prosecuting Attorney, Delaware County, Ohio (“Prosecutor”) to the Common Pleas Court, Delaware County, Ohio (“Court”) to authorize the Board to employ outside legal counsel to assist the Delaware County, Ohio Treasurer (“Treasurer”) with a certain contractual matter; and

WHEREAS, the appointment of legal counsel is necessary because the Prosecutor has a conflict of interest; and

WHEREAS, the compensation for outside legal counsel shall not exceed \$7,500.00;

RESOLUTION

NOW THEREFORE, BE IT RESOLVED:

- A. For the foregoing reasons, the Board, pursuant to R.C. § 305.14(A), hereby approves the attached joint application (Exhibit A) by it and the Prosecutor to the Court to authorize the Board to employ outside legal counsel, with compensation not to exceed \$7,500.00, to assist the Treasurer with this certain contractual matter.

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- B. All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. § 121.22.
- C. This Resolution shall be in full force and effect immediately upon adoption.

EXHIBIT A

IN THE COURT OF COMMON PLEAS
DELAWARE COUNTY, OHIO

IN RE: AUTHORIZATION TO EMPLOY	:	
OUTSIDE LEGAL COUNSEL FOR THE	:	Case No.
DELAWARE COUNTY TREASURER	:	

JOINT APPLICATION TO AUTHORIZE THE BOARD OF
COMMISSIONERS TO EMPLOY OUTSIDE LEGAL COUNSEL
FOR THE DELAWARE COUNTY TREASURER

Now comes Melissa A. Schiffel, Prosecuting Attorney, Delaware County, Ohio ("Prosecutor"), and the Board of Commissioners, Delaware County, Ohio ("Board")¹, and, pursuant to R.C. § 305.14(A), jointly move this Court to authorize the Board to employ outside legal counsel to assist and advise the Delaware County, Ohio Treasurer ("Treasurer") with a certain contractual matter and/or to prosecute or defend the Treasurer in any action related thereto. The employment of outside legal counsel is necessary because the Prosecutor has a conflict of interest. (See Exhibit A.) The compensation for outside legal counsel shall not exceed \$7,500.

Respectfully submitted,

/s/ Melissa A. Schiffel
Melissa A. Schiffel (0082154)
Delaware County Prosecuting Attorney
145 N. Union Street, 3rd Floor
Delaware, Ohio 43015
Telephone: (740) 833-2690
Facsimile: (740) 833-2689
Email: mschiffel@co.delaware.oh.us

¹ Board Resolution NO: 22-848 approved on October 6, 2022 authorizing the filing of this application is attached.

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AFFIDAVIT

STATE OF OHIO

:SS

COUNTY OF DELAWARE

Now comes Melissa A. Schiffel, and after being duly cautioned and sworn, hereby states as follows:

1. That she is the elected Delaware County, Ohio Prosecuting Attorney ("Prosecutor");
2. That she has knowledge of a certain contractual matter involving the Delaware County, Ohio Treasurer ("Treasurer") and, as related to that matter, the Prosecutor has a conflict of interest.
3. It in the interest of both the parties and the public for the Court to authorize the Board to employ outside legal counsel for the Treasurer to assist and advise the Treasurer on this matter and/or to prosecute or defend the Treasurer in any action related thereto.

Further Affiant Saith Naught.

Melissa Schiffel

 Melissa A. Schiffel
 Delaware County Prosecuting Attorney

Sworn to before me and subscribed in my presence this 28th day of September, 2022 in Delaware, Ohio.

Joy M Litchfield-Stacy

 Notary Public



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

8
ADMINISTRATOR REPORTS

Tracie Davies, County Administrator
 -No reports.

Dawn Huston, Deputy Administrator
 -No reports.

9
COMMISSIONERS' COMMITTEES REPORTS

Commissioner Benton
 -Attended the Rutherford B. Hayes celebration on Tuesday for his 200th birthday.
 -Will attend the MORPC meeting this afternoon.
 -There are open office hours for Marisa today. Her last day for the County is tomorrow. We wish her well.

Commissioner Lewis
 -Also celebrated the 200th birthday of Rutherford B. Hayes on Tuesday.
 -Introduced Kenzie Johnston and Kate Warniak who works for the Delaware County OSU Extension office.

There being no further business, the meeting adjourned.

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Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners