

**COMMISSIONERS JOURNAL NO. 77 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 10, 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

1
RESOLUTION NO. 22-982

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD NOVEMBER 7, 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 November 7, 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 Aye Mr. Benton Aye

2
PUBLIC COMMENT
 -None.

3
RESOLUTION NO. 22-983

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1109:

It was moved by Mr. Merrell, seconded by Mr. Benton to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1109 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
P2201439 Facilities (line 1)	Regional Sewer Vehicle Fuel	66211900-5228	\$ 10,000.00
P2201439 Facilities (line 2)	Regional Sewer Vehicle Services	66211900-5328	\$ 8,000.00
P2201052 Enterprise FM 1	Fleet Management	10010102-5335	\$ 539.02
P2201052 Enterprise FM 4	Fleet Management	10011301-5335	\$ 502.47
P2201052 Enterprise FM 10	Fleet Management	10062601-5335	\$ 4,410.00
P2201052 Enterprise FM 11	Fleet Management	20110105-5335	\$ 91.00
P2201052 Enterprise FM 13	Fleet Management	22411605-5335	\$ 1,175.00
P2201032 MS Consultants Inc.	Building and Improvements	66611900-5410	\$120,000.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Line Account</u>	<u>Amount</u>
R2204880	SMITH FEIKE MINTON INSURANCE INC	WC AUDIT FEE - EXCESS INSURANCE	61311923 - 5370	\$6,600.00
R2204909	TRI COUNTY TOWER SERVICE INC	REPLACING TOWER TOP LIGHTING AT PRIME SITE	21411306 - 5450	\$18,210.00
R2204911	DELAWARE AUTO SALES LLC	REPAIR 21-3 17880	60111901 - 5370	\$16,000.00

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

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RESOLUTION NO. 22-984

IN THE MATTER OF NOTICING PARTICIPATION OF THE DELAWARE COUNTY BOARD OF COMMISSIONERS IN A MEETING OF THE JOINT BOARD OF THE DELAWARE COUNTY, FRANKLIN COUNTY, AND LICKING COUNTY BOARDS OF COMMISSIONERS TO ADDRESS A DRAINAGE PETITION FOR THE COOK TRI-COUNTY WATERSHED:

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

WHEREAS, on December 4, 2018 a Joint County Ditch petition for the Cook Tri-County Watershed was filed with the Clerk of the Franklin County Board of Commissioners; and

WHEREAS, on December 19, 2018 a Joint Board of the Delaware County, Franklin County, and Licking County Boards of Commissioners was organized to address the drainage petition for Cook Tri-County Watershed; and

WHEREAS, the Joint Board of the Delaware County, Franklin County, and Licking County Boards of Commissioners shall hold a public hearing to determine if the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for The Cook Tri-County Watershed Drainage Improvement;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, STATE OF OHIO:

Section 1. The Board hereby notices participation in the Joint Board hearing for the proposed improvements on Tuesday December 6, 2022 at 11:00A.M. in the Franklin County Government Building General Session Hearing Room, located at 369 S. High St., Michael J. Dorrian Building, Main Lobby Columbus, OH 43215.

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

RESOLUTION NO. 22-985

IN THE MATTER OF APPROVING A SCRAP TIRE REMOVAL CERTIFICATION AND CONSENT FORM:

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

WHEREAS, scrap tires are currently being temporarily stored at the County Engineer’s facility at 1020 US Highway 42 North and are in need of removal for appropriate disposal;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby approves, and authorizes the President of the Board to execute and submit, the following Scrap Tire Removal Certification and Consent Form:

**Ohio Environmental protection Agency
Instructions for Scrap Tire Removal and Cleanup for Counties and Local Governments
Division of Materials and Waste Management**

During the 1993 creation of the Ohio Scrap Tire Laws, the Ohio General Assembly included Ohio Revised Code (ORC) 3734.85(E) in the statute that allows for state-funded cleanups without subsequent cost recovery of small tire piles (fewer than 2,000 tires) provided that six specific conditions are met (below). In 2012, the Ohio General Assembly increased the maximum number of eligible tires under this statute from 2,000 to 5,000 tires per site.

Scrap Tire Consent and Program Eligibility

This instruction sheet applies to Ohio counties, municipal corporations, townships, villages and solid waste management districts or other governmental authorities for removal of illegally dumped scrap tires on public property or right of ways.

The Scrap Tire Consent Form is to be used for scrap tire sites having **no less than 100 tires and no more than 5,000 tires**. The scrap tires may be any size and may be un-mounted or on rims. Tires collected during tire amnesty collection events **are not** eligible for pick-up and disposal under this program.

Submission Instructions/Checklist

Please provide **1) Consent Form, 2) Deed, and 3) Photos and Map** to Ohio EPA. **Incomplete application packages will not be considered.**

- 1) Consent Form**
 - a. Provide parcel information in Section 1, line 1 and a complete address of tire location.
 - b. Provide signature of authorized agent or property owner listed on deed.
- 2) Recorded Deed** (attachment)
 - Attach a copy of the recorded parcel deed which provides a complete legal description of the parcel in Section 1, line 1. (Documents are available at the county auditor's office.)
- 3) Photos/Map** (attachment)
 - Attach site photo(s) and a map showing an X where the scrap tires are located **and include property boundaries.**

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Send the completed consent form with attachments to:
Kevin.shoemaker@epa.ohio.gov

For questions or assistance, contact the Division of Materials and Waste Management at (877) 372-2621.

This Scrap Tire Removal Certification and Consent form applies to Ohio counties, municipal corporations, townships, villages and solid waste management districts or other governmental authorities applying for removal of illegally dumped scrap tires on public property or right of ways pursuant to Ohio Revised Code (ORC) 3734.85(E).

Section 1: Scrap Tire Temporary Storage Location

This section of this form **applies to the current, temporary storage location of the scrap tires**. The temporary storage location is the location where the state contractors will enter to remove scrap tires. Please attach a copy of the property deed to this form.

1) The undersigned represents the owner of a parcel of real estate located in Delaware Ohio,
County

whose legal description is recorded in 454, 181 of the Delaware deeds as attached.
Volume, Page County Recorded

a) Address: 1020 US Highway 42 N.
City: Delaware Zip Code: 43015 -

If applicable, other directions to better describe location of scrap tire location (for example: the site is 500 yards north of 14 Spring Street or at the SE corner of Elm and Oak):

The tires are stored in a 40-yd, open top, roll-off that can be opened from the end to remove the tires. The container is located at the Delaware County Engineers storage area and is behind a gate that is locked after hours. The gate is open Monday – Friday from 7:00 am – 3:00 pm.

b) Insert the approximate number of scrap tires to be removed: 200

NOTE: The items below apply to the signatory of this form. By signing, the signatory verifies that they understand and agree to the following.

- 2) The undersigned hereby authorizes and consents to the entry upon the above-described real estate by officers, employees, authorized representatives, or contractors of the State of Ohio, upon showing proper identification, for such actions as are necessary to remove scrap tires and other associated solid wastes, if any, from the above-described real estate.
- 3) The undersigned hereby certifies that there are 5,000 or less scrap tires located on the above-described real estate. *ORC 3734.85(E)*
- 4) The undersigned hereby agrees to waive any claims which may arise against the State of Ohio or their officers, employees, authorized representatives, or contractors in the course of performing the actions described above. The undersigned hereby also agrees to hold harmless the State of Ohio, or any officers, employees, authorized representatives, or contractors utilized by the Ohio Environmental Protection Agency to affect the removal, for any damage to property incurred during the course of action under this Scrap Tire Removal Certifications and Consent Form, except to gross negligence or intentional misconduct.
- 5) The undersigned agrees to provide any assistance requested by the Ohio Environmental Protection Agency or their officers, employees, authorized representatives, or contractors of the Ohio Environmental Protection Agency in locating scrap tires on the above-described real estate or making arrangements to facilitate their removal.
- 6) This consent is granted so that the State of Ohio can undertake the removal of up to 5,000 scrap tires and other solid wastes at the above-described real estate at no cost to the undersigned and without a lien attached to the property pursuant to ORC 3734.85.
- 7) The undersigned certifies that the information provided in this request is truthful and in compliance with Ohio Revised Code § 2921.13.

Section 2: Scrap Tire Collection Area(s)

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This section of this form **applies to property area(s) where scrap tires** (located at above-described real estate), **were picked up** by road crews and/or volunteers, etc., from public property, roadways, rights-of-way or during river clean-up sweeps.

- 1) The undersigned hereby certifies as a representative of the owner of the property that the scrap tires temporarily stored at the above described real estate, were picked up from public property, roadways, rights-of-way, or during river sweeps.
- 2) The undersigned hereby certifies as a representative of the owner of the property that the tires were placed on the property after the owner acquired title to the property.
- 3) The undersigned hereby certifies that as a representative of the owner of the property, the owner did not have knowledge that the tires were being placed on the property, or the owner posted on the property signs prohibiting dumping, or took other action to prevent the placing of tires on the property. *ORC 3734.85(E)(2)*
- 4) The undersigned hereby certifies that as a representative of the owner of the property, the owner did not participate in or consent to the placement of tires on the property. *ORC 3734.85(E)(3)*
- 5) The undersigned hereby certifies that as a representative of the owner of the property, the owner received no financial benefit from placing of the tires on the property or otherwise having the tires on the property. *ORC 3734.85(E)(4)*
- 6) The undersigned hereby certifies that as a representative of the owner of the property, the title to the property was not transferred to the owner for the purpose of evading liability under ORC 3734.85(A). *ORC 3734.85(E)(5)*
- 7) The undersigned hereby certifies that as a representative of the owner of the property, the person responsible for the placing the tires on the property, in doing so, was not acting as an agent for the owner of the property. *ORC 3734.85(E)(6)*
- 8) The undersigned, as a representative of the owner of the property, hereby relinquishes any claim of an ownership interest in any scrap tires or solid waste that are removed or in any proceeds from their sale.
- 9) The undersigned, as a representative of the owner of the property, agrees that this consent shall remain in effect for a period of 2 (two) years. During this two-year period, all scrap tire removal requests will include the 1) date and address of tire site, 2) tire count for each area and Secondary Identification Number assigned by Ohio EPA for subsequent scrap tire removal.

Printed Name(s): Barb Lewis, Board of Delaware County Commissioners President

Mailing Address: 91 N. Sandusky Street

City: Delaware State: OH Zip Code: 43015

Phone: 740 368- 1800 Email: jhicks@dkmm.org

Project Point of Contact: Jenna Hicks, DKMM Solid Waste District Director Phone: 740-393-4600

Date: / /

Signature of Authorized Agent of Property Owner: _____

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

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JUDGE GORMLEY, DELAWARE COUNTY COMMON PLEAS COURT

Joyce Stimmel, Retirement Tribute

7
DELAWARE COUNTY BOARD OF ELECTIONS

Commendation Of Service Award For Board Of Elections; Windell Wheeler

8
RESOLUTION NO. 22-986

IN THE MATTER OF AUTHORIZING THE USE OF A PROCUREMENT CARD FOR THE BOARD OF ELECTIONS:

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

WHEREAS, on September 30, 2004, the Board of Commissioners of Delaware County (the “Board”) adopted Resolution No. 04-1193, adopting a policy for the use of county procurement cards, pursuant to section 301.29 of the Revised Code; and

WHEREAS, on October 3, 2011, the Board adopted Resolution No. 11-1040, approving amendments to the Policies and Procedures for the county procurement card program; and

WHEREAS, the Board has adopted the procurement card policy for the use of the cards to pay for specific classes of work related expenses, without submitting a monthly estimate of the expenses, pursuant to section 301.29(F)(2) of the Revised Code;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, authorizes the use of the following procurement cards to the limits indicated and for specific work related expenses designated in the Procurement Card Policy without submitting a monthly estimate of expenses and with the following Department Coordinator:

New

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Appointing Authority:	Board of Elections
Office/Department:	Board of Elections
Daily spending per card:	\$ 500.00
Monthly spending per card:	\$10,000.00
Single transaction limit:	\$ 5,000.00
Daily number of transactions per card:	10
Monthly number of transactions per card:	50

Name on Card: Henry C. Thomson
 Department Coordinator: Karla Herron

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

**9
RESOLUTION NO. 22-987**

IN THE MATTER OF APPROVING THE SECOND AMENDMENT TO THE MASTER AGREEMENT FOR PURCHASE OF A VOTING SYSTEM ENTERED INTO BY AND BETWEEN RBM CONSULTING, LLC AND THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO FOR AND ON BEHALF OF THE DELAWARE COUNTY BOARD OF ELECTIONS:

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

WHEREAS, the Delaware County Board of Elections recommends approval of the second amendment to the master agreement for purchase of a voting system entered into by and between RBM Consulting, LLC and the Board of Commissioners of Delaware County, Ohio for and on behalf of the Delaware County Board of Elections;

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of Delaware County, State of Ohio hereby approves the second amendment to the master agreement for purchase of a voting system entered into by and between RBM Consulting, LLC and the Board of Commissioners of Delaware County, Ohio for and on behalf of the Delaware County Board of Elections:

**SECOND AMENDMENT TO THE MASTER AGREEMENT
FOR PURCHASE OF VOTING SYSTEM**

This Second Amendment to the Master Agreement for Purchase of Voting System (“Second Amendment”) is entered into this November 10, 2022 by and between RBM Consulting, LLC (“RBM”), whose principal place of business is located at 5257 E. 10th Street, Indianapolis, IN 46219, and the Board of Commissioners, Delaware County, Ohio (“BOC”), whose principal place of business is located at 101 N. Sandusky St., Delaware, Ohio 43015, for and on behalf of the Board of Elections, Delaware County, Ohio (“BOE”), whose principal place of business is located at 2079 US Hwy. 23 N., P.O. Box 8006, Delaware, Ohio 43015 (BOC and BOE collectively “CLIENT”) (individually “Party,” collectively “Parties”).

WHEREAS, the Parties entered into a Master Agreement for Purchase of Voting System (“Agreement”), which included as Exhibit C a Schedule-1 of costs for election support field services; and,

WHEREAS, the Parties now desire to amend and modify the Agreement and Exhibit C Schedule-1 to allow for increased costs for field visits for election support services.

NOW THEREFORE, the Parties amend and modify the Agreement and Exhibit C as follows:

1. EXHIBIT C (SCHEDULE-1)

The project management day rate for on-site support services is hereby increased from \$1,475 to \$1,595 per day.

2. AGREEMENT.

Section 5 (G) of the Agreement is hereby amended to the following:

Additional Services. Support services not specified in this Maintenance Agreement may be requested in writing. Field support not included in this Maintenance Agreement is billable at \$1,595.00/day after all ninety (90) prepaid service days from Exhibit C have been expended.

3. SIGNATURES. Any person executing this Second Amendment in a representative capacity hereby warrants that he/she has authority to sign this Second Amendment or has been duly authorized by his/her principal to execute this Second Amendment on such principal’s behalf and is authorized to bind such principal.

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- 4. **CONFLICTS.** In the event of a conflict between this Second Amendment and the terms and conditions of the Agreement, License Agreement (Ex. D), Maintenance Agreement (Ex. B), the First Amendment to the Agreement, or any other exhibit to the Agreement, the terms of this Second Amendment shall prevail.
- 5. **OTHER TERMS OF AGREEMENT UNCHANGED.** All terms and conditions of the Agreement and all other exhibits to the Agreement not changed by this Second Amendment remain the same, unchanged, and in full force and effect.

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

**10
RESOLUTION NO. 22-988**

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR THE BOARD OF ELECTIONS:

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

Supplemental Appropriation		
10016101-5001	Board of Elections/Compensation	\$370,000.00
10061601-5101	Board of Elections/Health Insurance	\$56,000.00
10016101-5102	Board of Elections/Workers Comp	\$3,000.00
10016101-5120	Board of Elections/OPERS	\$50,000.00
10016101-5131	Board of Elections/Medicare	\$4,000.00
10016101-5375	Board of Elections/Election & Settlement Services	\$150,000.00

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

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ELECTION UPDATE, DELAWARE COUNTY BOARD OF ELECTIONS**

**12
RESOLUTION NO. 22-989**

IN THE MATTER OF APPROVING A SUPPLEMENTAL APPROPRIATION FOR THE SHERIFF'S OFFICE:

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

Supplemental Appropriation		
10031302-5345	Prisoner Transport – Safety & Security Services	\$10,000.00

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

**13
RESOLUTION NO. 22-990**

IN THE MATTER OF APPROVING A TRANSFER OF APPROPRIATION FOR THE REGIONAL SEWER DISTRICT:

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

Transfer of Appropriation	
From:	To:
66211900-5410	66211900-5290
SRF-Building/Improvements > \$25,000	SRF/Chemicals
	\$35,000.00

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

**14
RESOLUTION NO 22-991**

IN THE MATTER OF SETTING THE DATE AND TIME TO RECEIVE QUALIFICATIONS FOR A CONSTRUCTION MANAGER AT RISK FOR THE ALUM CREEK WATER RECLAMATION FACILITY POST TREATMENT IMPROVEMENTS PROJECT FOR THE REGIONAL SEWER DISTRICT:

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

WHEREAS, the Regional Sewer District desires to receive qualifications for a Construction Manager at Risk for the Alum Creek Water Reclamation Facility Post Treatment Improvements Project; and

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WHEREAS, the Regional Sewer District has prepared the request for qualifications documents, including the requirements, format, and forms;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby approves the Request for Qualifications Documents for the Construction Manager at Risk for the Alum Creek Water Reclamation Facility Post Treatment Improvements Project and authorizes the Sanitary Engineer to advertise for and receive qualifications on behalf of the Board in accordance with the following Public Notice:

**PUBLIC NOTICE
REQUEST FOR QUALIFICATIONS
CONSTRUCTION MANAGER AT RISK
Alum Creek Water Reclamation Facility
Post Treatment Improvements
DELAWARE COUNTY, OHIO**

The Delaware County Board of Commissioners, in accordance with Section 9.33, *et seq.*, of the Ohio Revised Code, hereby gives notice of its intent to employ a Construction Manager at Risk (CMAR) for the Alum Creek Water Reclamation Facility Post Treatment Improvements Project for Delaware County, Ohio (the "Project") and invites interested parties to submit qualifications for consideration.

The work is to involve the associated preconstruction services and at risk construction services for the Project. Firms are to be experienced in, but not limited to, CMAR services of scheduling, cost estimating, constructability review, "GMP" and open book pricing, and experience in public sector construction, specifically wastewater treatment facilities construction.

The complete Request for Qualifications may be obtained at the County's web page, regionalsewer.co.delaware.oh.us/ under the heading Contractor>Advertisement for Bids or by contacting the Delaware County Regional Sewer District Office at (740) 833-2240, email bstanton@co.delaware.oh.us. Qualifications will be received at the Delaware County Regional Sewer District Office, Attention: Brad Stanton, 50 Channing Street, Delaware, Ohio 43015 by 12:00 P.M., December 13, 2022. Six (6) copies of all submittals are to be included. Submittals pursuant to this invitation will not be received after the hour and date stated above.

END of ADVERTISEMENT

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

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RESOLUTION NO. 22-992

IN THE MATTER OF APPROVING A SUPPLEMENTAL APPROPRIATION FOR THE 2022 HSIP DEL-US36-19.93 AND CARTERS CORNER INTERSECTION IMPROVEMENT PROJECT:

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

Supplemental Appropriation			
29440456-5420	2022 HSIP US36/Carters Corner/Road Constructions	\$1,384,231.75	

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

16
RESOLUTION NO. 22-993

IN THE MATTER OF APPROVING AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT FOR CONSTRUCTION MONITORING, MATERIAL TESTING AND ENGINEERING SERVICES:

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

WHEREAS, on December 13, 2018, this Board adopted Resolution No. 18-1377, approving an agreement with DLZ Ohio, Inc., for Construction Monitoring, Material Testing and Engineering Services; and

WHEREAS, the County Engineer recommends modifying the agreement as stated below;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby approves the following Amendment No. 2 to the agreement with DLZ Ohio, Inc., for Construction Monitoring, Material Testing and Engineering Services:

**AMENDMENT NO. 2 PROFESSIONAL SERVICES AGREEMENT
Construction Monitoring, Material Testing and Engineering Services**

This Amendment No. 2 to the Prime Agreement dated December 13, 2018, is made and entered into this 10th

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day of November, 2022, by and between the Delaware County Board of Commissioners, Delaware County, Ohio, 91 North Sandusky Street, Delaware, Ohio 43015 (“County”), and DLZ Ohio, Inc., 6121 Huntley Road, Columbus, Ohio 43229 (“Consultant”) (hereinafter collectively referred to as the “Parties”).

ARTICLE 1 – AMENDMENT

Pursuant to Sections 10 and 13.3 of the Prime Agreement, the Parties mutually agree to amend the Prime Agreement as follows:

- A. Section 3 of the Prime Agreement shall be modified to incorporate the Construction Inspection Contract Unit Prices 2023 & 2024 (EXHIBIT A) becoming effective January 1, 2023.
- B. Section 4 of the Prime Agreement shall be modified to increase the maximum total compensation to Six Million Five Hundred Thousand Dollars and Zero Cents (\$6,500,000.00).
- C. Section 6 of the Prime Agreement shall be modified to extend the date for the completion of Services to December 31, 2024.

ARTICLE 2 – REMAINING PROVISIONS

All other terms and conditions of the Prime Agreement not specifically amended herein shall remain in full force and effect. IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 1.

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

17
RESOLUTION NO. 22-994

IN THE MATTER OF APPOINTING MEMBERS TO THE DELAWARE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES:

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

WHEREAS, the Delaware County Board of Developmental Disabilities (the “DCBDD”) is the body existing, pursuant to Chapter 5126 of the Revised Code, to administer and provide developmental disability services within Delaware County; and

WHEREAS, the Delaware County Board of Commissioners (the “Board”) shall appoint individuals to the DCBDD, pursuant to section 5126.021, *et seq.*, of the Revised Code; and

WHEREAS, the terms of two members are expiring December 31, 2022, and appointments to the expiring terms shall be made not later than November 30, 2022; and

WHEREAS, Theodore Klecker has applied for re-appointment to the DCBDD, and Kimberly Pirie has applied for appointment to the DCBDD, and both applicants have submitted the required declaration of eligibility and are not otherwise term-limited or disqualified from re-appointment or appointment;

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

Section 1. The Board hereby re-appoints Theodore Klecker and appoints Kimberly Pirie as members of the DCBDD for terms of four years, commencing on the date of the DCBDD’s annual organizational meeting in January 2023, in accordance with sections 5126.025 and 5126.029 of the Revised Code. Both terms shall expire December 31, 2026.

Section 2. The Board hereby directs the Clerk of the Board to certify a copy of this Resolution and copies of all declarations of eligibility to the Superintendent of the DCBDD.

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

18
RESOLUTION NO. 22-995

IN THE MATTER OF DELEGATING AUTHORITY TO THE COUNTY ADMINISTRATOR AND OTHER STAFF FOR CERTAIN ADMINISTRATIVE MATTERS:

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

WHEREAS, pursuant to section 305.30 of the Revised Code, the Delaware County Board of Commissioners (the “Board”) may delegate specific executive or discretionary authority to the County Administrator for contracting on behalf of the Board, allowing and paying claims, performing personnel functions, performing Board functions in the event of a disaster or emergency, and performing additional duties as the Board may determine by resolution; and

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WHEREAS, the County Administrator may be absent or unavailable, requiring the appointment of an acting county administrator to perform the duties delegated pursuant to section 305.30 of the Revised Code; and

WHEREAS, pursuant to section 4115.071 of the Revised Code, the Board shall designate and appoint an employee to serve as prevailing wage coordinator for all contracts subject to prevailing wage requirements; and

WHEREAS, the Board wishes to specifically authorize the County Administrator to delegate any administrative or ministerial tasks to other staff in order to promote efficiency and establish appropriate internal controls;

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

Section 1. The Board hereby delegates the following authority and duties to the County Administrator, pursuant to section 305.30 of the Revised Code:

(A) Upon prior notice to each Commissioner, negotiate, approve, and execute contracts, agreements, change orders, or acquisitions of real property or interests in real property that are for amounts not exceeding Twenty-Five Thousand Dollars (\$25,000);

(B) Negotiate and execute settlement agreements for pending or threatened litigation, provided the County Administrator certifies in writing that discussion thereon has been conducted in a lawful executive session;

(C) Review and approve departmental payrolls for all departments under the direction and control of the Board;

(D) Review and approve requests for unpaid leaves of absence for up to two weeks;

(E) Accept resignations of employees, except resignations of Deputy Administrators;

(F) Review and approve, and execute any documents in furtherance of, all personnel actions, including, but not limited to, employing new hires, promotions, pay increases, discipline, and terminations, except as follows:

- (i) The County Administrator shall not approve any pay increase that applies to all non-union employees or a collective bargaining unit that follows the County Compensation Management Plan, unless and until the pay increase has been approved by a prior resolution of the Board;
- (ii) The County Administrator shall not approve any pay increase that applies to an individual employee that exceeds 5% or exceeds the amount of compensation approved in the current budget, unless and until the pay increase has been discussed in a lawful executive session;
- (iii) The County Administrator shall not approve any pay increase, or promotion that results in a pay increase, for a select class of two or more employees, unless and until the pay increases or promotions have been discussed in a lawful executive session;
- (iv) The County Administrator shall not fix the compensation for internal or external candidates for director-level, or higher, positions until the proposed compensation has been discussed in a lawful executive session;
- (v) The County Administrator shall not approve any personnel action pertaining to an employee that reports directly to the Board, unless and until the personnel action has been discussed in a lawful executive session; and
- (vi) The County Administrator shall not approve any personnel action that is appealable to the State Personnel Board of Review, unless and until the personnel action has been discussed in a lawful executive session.

(G) Review and approve all job descriptions, except the County Administrator shall not approve a job description for a position that reports directly to the Board unless and until a draft job description for such position has been presented to the Board and left open for Board comment for at least one week;

(H) Review, in conjunction with the Deputy Administrator/Administrative Services, all requests for unpaid leave under the Family and Medical Leave Act ("FMLA") and Workers' Compensation, and approve those requests that meet unpaid FMLA requirements and those requests that meet unpaid leave under Workers' Compensation requirements;

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- (I) Serve as the Contract Administrator, having general supervision over the contract and any work performed thereunder, for any contracts or agreements the Board has entered into and not specifically designated a Contract Administrator;
- (J) Request written opinions or instructions from the Prosecuting Attorney on behalf of the Board and coordinate the services provided by all legal counsel employed or retained by the Board pursuant to sections 305.14 and 309.09 of the Revised Code;
- (K) Upon prior notice to each Commissioner, execute last chance agreements for employees in departments under the direction and control of the Board;
- (L) Approve mortgage releases for mortgages that have been fully satisfied;
- (M) Act as the county chief executive officer and execute standard assurances and compliance certificates for grant applications approved by the Board;
- (N) Act as the county chief executive officer and approve and execute written representations as a part of routine audits;
- (O) Review and approve requests for tuberculosis treatment financial assistance submitted pursuant to section 339.71, *et seq.*, of the Revised Code, provided the requested amount does not exceed the contracting authority limit established in this Resolution;
- (P) Approve and allow the payment of claims against the county, pursuant to R.C. 307.55 and 319.16, when the county auditor presents a payment recap for approval on the date of a regular session of the Board that has been canceled;
- (Q) Approve any purchase requests for amounts not exceeding Five Thousand Dollars (\$5,000) and approve purchase requests for amounts exceeding Five Thousand Dollars (\$5,000) for offices and departments under the Board's appointing authority when presented for approval on the date of a regular session of the Board that has been canceled;
- (R) Accept gifts, devises, bequests, or other donations on behalf of the county, pursuant to section 9.20 of the Revised Code, provided that the value thereof is less than \$1,000.00, that notice of each acceptance is provided to each member of the Board, and that a detailed report of all gifts, devises, bequests, or other donations accepted is provided to the Board within fifteen (15) days after the end of the fiscal year in which the acceptance occurred;
- (S) Approve convention and conference travel requests up to \$1,000 cost per employee;
- (T) Approve and execute sanitary sewer subdivider agreements in accordance with section 711.101 and the rules and regulations adopted pursuant to section 6117.01(D) of the Revised Code and in the standard form approved by the Board, with such minor modifications that do not substantially deviate from the standard form; accept any bond, certified check, irrevocable letter of credit, or other approved financial warranties executed to insure faithful performance of the construction or maintenance obligations contained in sanitary sewer subdivider agreements and release such warranties upon faithful performance of the obligations contained in the sanitary sewer subdivider agreements; approve sanitary sewer improvement plans and specifications submitted pursuant to section 6117.01(E) of the Revised Code; and issue certificates of substantial or final completion for or otherwise accept for ownership, operation, and maintenance by the Delaware County Sewer District any sanitary sewers, facilities, and improvements the sanitary engineer certifies have been constructed or installed in accordance with a sanitary sewer subdivider agreement or any other contract entered into by the Board; and
- (U) Establish policies and procedures to delegate any administrative or ministerial tasks delegated to the County Administrator in section 305.30 of the Revised Code, or in this Resolution.

Section 2. The Board hereby declares that Resolution No. 10-211, delegating to the County Administrator the authority to carry out certain functions of the Board during a disaster or emergency, shall remain in full force and effect.

Section 3. In the event the County Administrator is or will be absent due to illness, vacation, or other approved leave, the County Administrator shall, to the extent practicable, inform all members of the Board and the Clerk to the Board in writing of the absence and its expected duration. In the event the County Administrator is unavailable or expected to be absent for less than or equal to four weeks, the Board hereby designates the Deputy Administrator/Director of Administrative Services as the Acting County Administrator with authority to perform all functions delegated in Section 1. In the event the County Administrator and Deputy Administrator/Director of Administrative Services are both unavailable or expected to be absent for less than or equal to four weeks, the Board hereby designates the Deputy Administrator/General Counsel as the Acting County Administrator with authority to perform all functions delegated in Section 1. For absences expected to be longer than four weeks, all functions delegated in Section 1 shall revert to the Board during the County Administrator's absence unless the Board specifically delegates any or all of those functions by separate

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action of the Board.

Section 4. The Board hereby designates and appoints the following employees or officials to serve as prevailing wage coordinator for the specified contracts that are subject to prevailing wage requirements:

- (A) The Delaware County Engineer, for all Motor & Gas and Road & Bridge projects;
- (B) The Delaware County Sanitary Engineer, for all Sewer District and Solid Waste projects;
- (C) The Director of Economic Development, for all Economic Development Fund and Grant projects;
- (D) The Director of Facilities, for all other projects.

Section 5. This Resolution supersedes Resolution No. 22-65 and shall take effect immediately upon adoption.

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

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ADMINISTRATOR REPORTS

Dawn Huston, Deputy Administrator
-No reports.

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COMMISSIONERS' COMMITTEES REPORTS

Commissioner Merrell
-Election Day was steady at the polling location he was placed.
-Attended the Sunbury/Big Walnut Chamber Annual Dinner.

Commissioner Benton
-Attended the OWU Economic Forecast Forum.
-Will be attending a Mainstreet Delaware assessment lunch today.
-Veterans Day will be celebrated tomorrow. There will be a breakfast held at SoucePoint and a ceremony on the front steps of our Historic Courthouse.
-Congratulations to Barb Lewis on her re-election as Delaware County Commissioner

Commissioner Lewis
-Thank you to the voters who re-elected her. Looking forward to the next four years.

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RESOLUTION NO. 22-996

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF EMPLOYMENT; COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL AND CONFIDENTIAL INFORMATION RELATED TO ECONOMIC DEVELOPMENT:

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

WHEREAS, pursuant to section 121.22(G)(8) of the Revised Code, a public body may hold an executive session to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

- (1) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project; and
- (2) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project;

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 employment; compensation of a public employee or public official and confidential information related to economic development.

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Section 2. The Board hereby adjourns into executive session to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance.

Section 3. The Board hereby finds and determines that the information listed in Section 2 is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

Section 4. The Board hereby finds and determines that the executive session held pursuant to Section 2 is necessary to protect the interests of an applicant for economic development assistance or the possible investment or expenditure of public funds to be made in connection with the economic development project.

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

RESOLUTION NO. 22-997

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

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

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

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners