

COMMISSIONERS JOURNAL NO. 77 - DELAWARE COUNTY
 MINUTES FROM REGULAR MEETING HELD DECEMBER 15, 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. 22-1093

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD DECEMBER 12, 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 December 12, 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

3
 RESOLUTION NO. 22-1094

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1214, AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR1214:

It was moved by Mr. Merrell, seconded by Mr. Benton to approve Then and Now Certificates, payment of warrants in batch numbers CMAPR1214, memo transfers in batch numbers MTAPR1214 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
Decrease PO			
Facilities (P22014390)	Regional Sewer	66211900-5228	\$28,000.00
PO' Increase			
P2201434 (CEBCO)	Health Insurance	60211902-5370	\$447,361.26
PNC BANK (P2201444)	PRO Card Regional Sewer	66211900-5200	\$15,000.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Account</u>	<u>Amount</u>
R2204899	CSA SERVICE SOLUTIONS LLC	ANNUAL COT MAINT	10011303 - 5325	\$ 20,425.00
R2205059	HARRIS & HEAVENER EXCAVATING INC	FIBER FROM GENOA FIRE TO 9-1-1 TOWER	21411306 - 5437	\$ 12,787.72
R2205148	PARALLEL TECHNOLOGIES INC	MAINT. AGREEMENT PHONE SYSTEM	10011105 - 5325	\$ 42,112.14
R2205183	MOTOROLA SOLUTIONS INC	REPLACEMENT SHELTER AT DUNHAM ROAD TOWER SITE	21411306 - 5410	\$345,900.00
R2205241	DITCH MAINTENANCE	GORSUCH JOINT COUNTY START UP FEES	40311472 - 5328	\$ 15,000.00

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

4
 RESOLUTION NO. 22-1095

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IN THE MATTER OF A NEW LIQUOR LICENSE REQUEST FROM TEN STAR ENTERPRISES INC. 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 Mr. Merrell 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 new D2 liquor license from Ten Star Enterprises Inc, located at 3980 Presidential Parkway, Powell, Ohio 43065; 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 Aye Mrs. Lewis Aye

**5
RESOLUTION NO. 22-1096**

IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, MICHAEL R. SHADE, ATTORNEY-AT-LAW, REQUESTING ANNEXATION OF A TOTAL OF 8.310 ACRES, (3.971 ACRES OF LAND IN BROWN TOWNSHIP AND 4.339 ACRES OF LAND IN DELAWARE TOWNSHIP) TO THE CITY OF DELAWARE:

It was moved by Mr. Merrell, seconded by Mr. Benton to acknowledge that on December 7, 2022, the Clerk to the Board of Commissioners received a petition requesting annexation of a total of 8.310 Acres, (3.971 acres of land in Brown Township and 4.339 acres of land in Delaware Township) to the City of Delaware.

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

**6
NATALIE A. FRAVEL, DELAWARE COUNTY CLERK OF COURTS
JESSICA WALLACE, MARION COUNTY CLERK OF COURTS**

RECOGNITION OF DELAWARE COUNTY CLERK OF COURTS STAFF MEMBERS FOR HELPING THE MARION COUNTY CLERK OF COURTS

**8
RESOLUTION NO. 22-1097**

IN THE MATTER OF APPROVING A LEASE AMENDMENT FOR SECURE STORAGE FACILITIES:

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

WHEREAS, Delaware County is in need of secure storage facilities; and

WHEREAS, the Delaware County Sheriff and Staff recommend approval of the lease amendment for such facilities;

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

**NINTH AMENDMENT FOR STORAGE UNIT LEASE IN DELAWARE, COUNTY, OHIO
(Effective January 2023)**

This Ninth Amendment of the Agreement for the leases of the storage units Effective January 1, 2023 through December 31, 2023 (hereinafter "AGREEMENT ") by the Sheriff's Office of Delaware County, Ohio (hereinafter "LESSEE") and Cole's Investment Properties LLC (hereinafter "LESSOR").

NOW THEREFORE, IN CONSIDERATION of the foregoing facts, the mutual covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree that effective January 2023, Paragraph 5, and the second to last sentence in Paragraph 12 of the AGREEMENT shall be deleted and amended to state as follows:

5. "Upon default Lessor may at its option take all steps, excluding denying the Lessee access without a court order, permitted by law to pursue possession of the premises and obtain all funds due hereunder."

12. "The Lessor acknowledges that all keys have been delivered to the possession of the Lessee.

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Further, Lessor agrees not to enter the leased units except with an agent and / or employee present. Upon the request to enter being made by the Lessor, the Lessee shall forthwith arrange for an agent and / or employee to accompany lessor to enter".

Paragraph 12 shall not be interpreted to be an improper contractual indemnity in favor of Lessor.

Except for the provisions amended by this document, all other provisions of the AGREEMENT shall remain in full force and effect and unchanged.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed in their names or their official acts by their respective representatives, each of whom is duly authorized to execute the same.

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

**9
RESOLUTION NO. 22-1098**

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		Amount
29131321-5001	Law Enforcement CPT/ Law Enforcement CPT	\$46,337.84

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

**10
RESOLUTION NO. 22-1099**

IN THE MATTER OF PURCHASING A REPLACEMENT COMMUNICATION EQUIPMENT SHELTER, AND RELATED EQUIPMENT AND INSTALLATION SERVICES, FOR THE DUNHAM ROAD TELECOMMUNICATIONS TOWER SITE:

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

WHEREAS, the Delaware County Director of Emergency Communications recommends the purchase of a replacement communication equipment shelter, and related equipment and installation services, for the Dunham Road telecommunications tower site; and

WHEREAS, the shelter and related equipment and installation services are available for purchase through the State of Ohio's cooperative purchasing program (the "Program"); and

WHEREAS, the Board of County Commissioners (the "Board") is a member of the Program and wishes to purchase the shelter, equipment, and services through the Program;

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

Section 1. The Board hereby approves the purchase of the shelter, equipment, and services from Motorola Solutions, Inc., a state-approved vendor under the Program, in accordance with the proposal dated September 23, 2022, and pricing quote dated November 11, 2022, at the total cost not to exceed \$345,900.

Section 2. The purchase approved in Section 1 of this Resolution shall be in accordance with the Program, pursuant to the contract and terms and conditions set forth in Index STS073, Contract # 573077-0, which are, by this reference, fully incorporated herein and of which the purchase order approved herein shall be made a part.

Section 3. The Board hereby approves a purchase order in the amount of \$345,900 to Motorola Solutions, Inc., from Fund Number 21411306.

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

**11
RESOLUTION NO. 22-1100**

IN THE MATTER OF AWARDING A BID AND APPROVING A CONTRACT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND BAUMANN ENTERPRISES, INC., FOR THE PROJECT KNOWN AS DELAWARE COUNTY COURT STREET DEMOLITION & PARKING LOT:

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

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**Delaware County Court Street Demolition & Parking Lot
Bid Opening of November 10, 2022**

WHEREAS, as the result of the above referenced bid opening, the Director of Facilities recommends that a bid award be made to Baumann Enterprises, Inc., the lowest and best bidder for the project; and

WHEREAS, the Director of Facilities recommends approval of the Contract between the Delaware County Commissioners and Baumann Enterprises, Inc., for the project known as Delaware County Court Street Demolition & Parking Lot;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby awards the bid for the project known as Delaware County Court Street Demolition & Parking Lot to Baumann Enterprises, Inc., and approves the following Contract:

DELAWARE COUNTY BOARD OF COMMISSIONERS

CONTRACT

This Contract made by and between:

*Baumann Enterprises, Inc.
4801 Chaincraft Road
Garfield Heights, Ohio 44125*

(the "Contractor") and the Delaware County Board of Commissioners (the "Owner"). "Contract Documents," as used herein, shall mean collectively, the Drawings, Specifications, Addenda, Notice to Bidders, Instructions to Bidders, Definitions, Bid Form, Contract and Attachments, Bond, Bulletins, Approved Shop Drawings, Contract Modifications, Contract Modification Procedure and Pricing Guidelines and Standard Conditions of the Contract (General and Special), which are, by this reference, fully incorporated herein.

In consideration of the mutual promises herein contained, the Owner and the Contractor agree as set forth below:

ARTICLE 1

1.1 The Contractor shall perform the entire work described in the Contract Documents and reasonably inferable by the Contractor as necessary to produce the results intended by the Contract Documents, for:

**COURT STREET DEMOLITION
& PARKING LOT
22 Court St.
Delaware, Ohio 43015
Bid Package 1 – General Contractor**

ARTICLE 2

2.1 The Owner shall pay the Contractor for the performance of this Contract, subject to additions and deletions as provided in the Contract Documents, the amount of \$169,890.00 (the "Contract Price"), based upon the Bid Form, dated November 10, 2022, submitted by the Contractor.

*Base Bid - \$169,890.00
No Alternates
Total Contract Amount = \$169,890.00*

2.2 The Contract Price shall be paid in current funds by the Owner upon payment requests issued by the Contractor and approved by the Owner, or its designated representative, as provided in the Contract Documents.

ARTICLE 3

3.1 The Contractor shall diligently prosecute the Work and shall effect Contract Completion on or before the date set by the approved construction schedule per General Conditions Article 4.3, following the date set forth in the Notice to Proceed, unless the Owner grants an extension of time in accordance with the Contract Documents.

3.2 It is understood and agreed that all Work to be performed under the Contract shall be completed within the established Contract Completion time and that each applicable portion of the Work shall be completed upon the respective Milestone Completion Dates, unless the Owner grants an extension of time in accordance with the Contract Documents.

3.3 Upon failure to have all Work completed within the specified period of time, or to have the applicable

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portion of the Work completed upon the date of any Milestone Completion Date, the Owner shall be entitled to retain or recover from the Contractor, as liquidated damages, and not as a penalty, the applicable amount as set forth in the following table for each and every calendar day thereafter until Contract Completion, unless an extension of time is granted in accordance with the Contract Documents.

3.4 The amount of Liquidated Damages is agreed upon by and between the Contractor and the Owner because of the impracticality and extreme difficulty of ascertaining the actual amount of damage the Owner would sustain.

3.5 LIQUIDATED DAMAGES

<u>Contract Amount</u>	<u>Dollars Per Day</u>
\$1. To \$50,000	\$ 150.
More than \$50,000 to \$150,000	\$ 250.
More than \$150,000 to \$500,000	\$ 500.
More than \$500,000 to \$2,000,000	\$1,000
More than \$2,000,000 to \$5,000,000	\$2,000
More than \$5,000,000 to \$10,000,000	\$2,500
More than \$10,000,000	\$3,000

ARTICLE 4

4.1 Entire Agreement: The Bid Documents shall embody the entire understanding of the parties and form the basis of the Contract between the Owner and the Contractor. The Contract Documents shall be considered to be incorporated by reference into this Contract as if fully rewritten herein.

4.2 Governing Law: The Contract and any modification, amendments or alterations thereto shall be governed, construed and enforced by and under the laws of the State of Ohio. Any legal action arising pursuant to this Contract shall be brought in the courts of Delaware County, Ohio.

4.3 Severability: If any term or provision of the Contract, or the application thereof to any person or circumstance, is finally determined, to be invalid or unenforceable by a court of competent jurisdiction, the remainder of the Contract or the application of such term or provision to other persons or circumstances, shall not be affected thereby, and each term and provision of the Contract shall be valid and enforced to the fullest extent permitted by law.

4.4 Indemnification: To the fullest extent permitted by law, the Contractor shall indemnify, save and hold the Delaware County Board of Commissioners, its officers, agents, servants, and employees free and harmless of all actions, claims, demands, judgments, damages, losses and expenses, including but not limited to attorney’s fees, arising from any accident or occurrence related in any manner to the Contractor’s performance of this Contract. The Contractor shall undertake to defend, at its own expense, any and all actions, claims, or demands brought against the Delaware County Board of Commissioners by reason of the things above specified, and to pay, settle, compromise and procure the discharge of any and all judgments, damages, losses and expenses, including but not limited to attorney’s fees. No employee of the Contractor shall at any time be considered an agent or employee of the Delaware County Board of Commissioners.

4.5 Independent Contractor: Contractor agrees that no agency, employment, joint venture, or partnership has been or will be created between the parties hereto pursuant to the terms and conditions of this Contract. Contractor also agrees that, as an independent contractor, Contractor assumes all responsibility for any federal, state, municipal, or other tax liabilities along with workers compensation, unemployment compensation, and insurance premiums which may accrue as a result of compensation received for services or deliverables rendered hereunder.

4.6 Assignability: The Contract shall be binding on the Contractor and the Owner, their successors and assigns, in respect to all covenants and obligations contained in the Contract Documents, but the Contract may not be assigned by the Contractor without the Owner’s prior written consent.

4.7 Findings for Recovery: The Contractor certifies that it has no unresolved findings for recovery pending or issued against it by the State of Ohio.

ARTICLE 5

5.1 It is expressly understood by the Contractor that none of the rights, duties and obligations described in the Contract Documents shall be valid and enforceable unless the Delaware County Auditor first certifies funds are available.

5.2 The Contract shall become binding and effective upon the completion of 5.1 and execution by the Owner.

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ARTICLE 6

6.1 This Contract has been executed in several counterparts, each of which shall constitute a complete original Contract, which may be introduced in evidence or used for any other purpose without production of any other counterparts.

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

12

RESOLUTION NO. 22-1101

IN THE MATTER OF AUTHORIZING THE USE OF A PROCUREMENT CARD FOR THE FACILITIES DEPARTMENT:

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

WHEREAS, pursuant to section 301.29 of the Revised Code, the Board of Commissioners of Delaware County, by Resolution No. 04-1193, dated September 30, 2004, adopted a policy for the use of County Procurement Cards; and

WHEREAS, the Board of Commissioners of Delaware County, by Resolution No. 11-1040, dated October 3, 2011, adopted amendments to the Policies and Procedures for the county procurement card program; and

WHEREAS, the Board of Commissioners has adopted the procurement card policy for the use of the card 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:

Appointing Authority:	County Commissioners
Office/Department:	Facilities/Maintenance
Daily spending per card:	\$1,000
Monthly spending per card:	\$5,000
Single transaction limit:	\$ 750
Daily number of transactions per card:	5
Monthly number of transactions per card:	50

Name on Card: Nellie Lewis

Department Coordinator: Janette Adkins

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

13

RESOLUTION NO. 22-1102

IN THE MATTER OF APPROVING CHANGE ORDER OCO-06 TO THE CONSTRUCTION MANAGER AT RISK CONTRACT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND GILBANE BUILDING COMPANY FOR THE BYXBE CAMPUS DACC REDEVELOPMENT PROJECT:

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

WHEREAS, the Director of Facilities recommends approval of change order OCO-06;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves change order OCO-06 to the contract between the Delaware County Board of Commissioners and Gilbane Building Company for the Byxbe Campus DACC Redevelopment Project, as follows:

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Mr. Jon Melvin
Delaware County
Director of Facilities, Facility Management
1405 US Highway 23 North
Delaware, OH 43015

Reference: Delaware County Byxbe Campus DACC Redevelopment

Subject: Request for Change
OCO 06 **REVISED**

Dear Mr. Melvin:

Gilbane Building Company requests authorization to proceed with the following ADDITIONAL/REDUCED scopes of work:

Scope Description:		Cost
OS-11 - RFI 23 - Fire Alarm scope reduction		\$ (2,211)
OS-18 - Provide Sanitary Line Repair Outside of Building B area D		\$ 23,011
OS-22 - RFI 95 - Area A lighting circuit designations REVISED		\$ 5,308
OS-23 - RFI 79 - Panel 2 relocation credit		\$ (4,864)
OS-37 - Bulletin 8 - New Openings and Coiling Door REVISED		\$ 41,474
OS-41 - Bulletin 11 - Asphalt Scope Reduction		\$ (127,892)
		Cost of Construction \$ (65,174)
		Bonds 0.600% \$ (391)
		Insurance 1.00% \$ (652)
		SDI 1.30% \$ (847)
		Fee 1.50% \$ (1,006)
		Grand Total \$ (68,070)

Schedule Impact ?	N
Days	0

Funding Source?			
Owner Change	X		
Allowance		OA #	

Sincerely,
GILBANE BUILDING COMPANY



Charles Guy
Project Manager

Enclosed: Subcontractor Backup

M+A Architects
Approved by: _____
Jim Lehnert, Sr. Project Manager

Date: _____

Delaware County
Recommended by: _____
Jon Melvin, Director of Facilities

Date: _____

Approved by: _____

Date: _____

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

**14
RESOLUTION NO. 22-1103**

IN THE MATTER OF APPROVING INTERGOVERNMENTAL AGREEMENTS FOR EMPLOYEE BENEFITS PARTICIPATION BY AND BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND THE DELAWARE MORROW MENTAL HEALTH AND RECOVERY SERVICES BOARD, THE DELAWARE COUNTY REGIONAL PLANNING COMMISSION, THE DELAWARE SOIL AND WATER CONSERVATION DISTRICT, AND THE DELAWARE COUNTY TRANSIT BOARD:

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

WHEREAS, the Delaware County Deputy Administrator / Director of Administrative Services recommends approval of intergovernmental agreements for employee benefits participation by and between the Delaware County Board of Commissioners and the following entities: the Delaware Morrow Mental Health and Recovery Services Board; the Delaware County Regional Planning Commission; the Delaware Soil and Water Conservation District; and the Delaware County Transit Board;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Intergovernmental Agreements for Employee Benefits Participation with the Delaware Morrow Mental Health and Recovery Services Board, the Delaware County Regional Planning Commission, the Delaware Soil and Water Conservation District, and the Delaware County Transit Board.

(Copies of the Intergovernmental Agreements available for review at the Commissioners' Office and Administrative Services Department until no longer of administrative value.)

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

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RESOLUTION NO. 22-1104

IN THE MATTER OF DECLARING A PUBLIC PURPOSE AND AUTHORIZING THE USE OF DELAWARE COUNTY FUNDS FOR THE PURCHASE OF COFFEE, MEALS, REFRESHMENTS, AND OTHER AMENITIES AND APPROVING A TRANSFER OF APPROPRIATION:

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

WHEREAS, in accordance with Ohio Attorney General Opinion No. 82-006 and Ohio Auditor of State Bulletin 2003-005, the Delaware County Board of Commissioners (the “Board”) may expend public funds to purchase coffee, meals, refreshments, and other amenities for its officers or employees or other persons if it determines that such expenditures are a “public purpose” and are necessary to perform a statutory function or power, provided the determination is not manifestly arbitrary or unreasonable; and

WHEREAS, the Board’s determination must be memorialized by a duly enacted resolution and may have prospective effect only; and

WHEREAS, from time to time, it becomes necessary for the Board or county agencies to hold meetings during lunch, requiring meals to be provided for the participants; and

WHEREAS, the Board and county agencies routinely host community events or seminars that are attended by members of the public, visiting officials from other jurisdictions or organizations, and program participants; and

WHEREAS, the meetings and events described herein provide for timely and efficient completion of the public business, promote plans and programs, and foster cooperation with public and private partners both within Delaware County and throughout the State of Ohio; and

WHEREAS, the County Administrator and Deputy County Administrator recommend authorization to use Delaware County funds to pay for the coffee, meals, refreshments, and other amenities for these meetings and events;

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

Section 1. The Board hereby declares that the provision of coffee, meals, refreshments, and other amenities for the following purposes and amounts constitute a public purpose:

66211900-5294	SRF Operations & Maintenance	350.00	Water for field employee hydration
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Section 2. The Board hereby authorizes the purchase of coffee, meals, refreshments, and other amenities in accordance with Section 1 of this Resolution for the current fiscal year, subject to the ordinary approval of a purchase order, submission of complete and accurate receipts, invoices, and any other supporting documentation required by the County Auditor, and approval of the voucher by the Board.

Section 3. This Resolution shall take effect immediately upon adoption.

Transfer of Appropriation

From:	To:	
66211900-5241	66211900-5294	350.00
SRF Operations & Maintenance/Agricultural Materials	SRF Operations & Maintenance/Food	

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

16

RESOLUTION NO. 22-1105

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

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

Transfer of Appropriation

From:	To:	
41711436-5410	41711436-5801	52,073.58
Capital Acquisitions & Projects/Building	Capital Acquisitions & Projects/Cash Transfer	

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41711436-5437	41711436-5801	823,931.00
Capital Acquisitions & Projects/Broadband	Capital Acquisitions & Projects/Cash Transfer	
41711436-5450	41711436-5801	938,312.80
Capital Acquisitions & Projects/Machinery	Capital Acquisitions & Projects/Cash Transfer	
41711436-5452	41711436-5801	377,896.39
Capital Acquisitions & Projects/Software	Capital Acquisitions & Projects/Cash Transfer	

Transfer of Funds

From:	To:	
41711436-5801	10011102-4601	2,192,213.77
Capital Acquisitions & Projects/Cash Transfer	Commissioners General/Interfund Revenues	

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

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RESOLUTION NO. 22-1106

IN THE MATTER OF ESTABLISHING A CAPITAL PROJECTS FUND IN ACCORDANCE WITH O.R.C. 5705.13:

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

WHEREAS, the Delaware County Board of Commissioners (the “Board”) intends to establish a capital projects fund, pursuant to section 5705.13(C) of the Revised Code, to pay for the costs of acquiring, constructing, or improving fixed assets of the County; and

WHEREAS, a resolution creating a capital projects fund, pursuant to section 5705.13(C) of the Revised Code, shall identify the source of the money to be used to acquire, construct, or improve the fixed assets identified in the resolution, the amount of money to be accumulated for that purpose, the period of time over which that amount is to be accumulated, and the fixed assets that the Board intends to acquire, construct, or improve with the money to be accumulated in the fund;

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

Section 1. The Board hereby establishes the Capital Acquisitions & Projects Fund (423) (the “Fund”), pursuant to section 5705.13(C) of the Revised Code, for the purpose of acquiring, constructing, or improving fixed assets, including motor vehicles, new or existing county buildings, and electronic communications and data processing equipment.

Section 2. The source of the money to be accumulated in the Fund shall be the county general fund, and the Board hereby establishes a new Organizational Key as follows:

Establish New Org Key 42311453	Capital Acquisitions & Projects	
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Section 3. The Board hereby declares that the amount of money to be accumulated in the Fund shall not exceed \$5,300,000.00, unless and until the Board amends this Resolution to provide for additional amounts to be accumulated in the Fund for the purposes stated herein.

Section 4. In accordance with section 5705.13(C), all funds accumulated in the Fund shall not be accumulated beyond December 15, 2032, and any contract for the acquisition, construction, or improvement of the fixed assets identified in this Resolution to be paid for out of the Fund shall be entered into on or before December 15, 2032. Any remaining unencumbered funds accumulated in the Fund on December 15, 2032 shall be transferred to the county general fund, and the Fund shall thereupon be rescinded.

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

Other Business

RESOLUTION NO. 22-1107

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS FOR EMS:

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

The EMS Department is requesting amended travel expense totals for the EMS World Conference, from organization key 10011303, for Jeff Sparsk’s \$1,838.33; Julie Jones’s \$1,272.83; Ben Berger \$1,173.89; and Julie Webb’s \$1,295.33.

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

ADMINISTRATOR REPORTS

-None

COMMISSIONERS' COMMITTEES REPORTS

Commissioner Benton

-Attended The DKMM Meeting Tuesday; In Good Shape, With Good Leadership; Will Lose Some Experienced Commissioners This Year; 2 New Members Next Year.
-Planning To Attend The Shawnee Hills Annual Meeting

Commissioner Merrell

-Attended The Delaware Chamber Ribbon Cutting; Large Crowd In Attendance
-CORSA Might Have 6 New Counties Join In 2023

Commissioner Lewis

-none

RESOLUTION NO. 22-1108

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL, PENDING OR IMMINENT LITIGATION, AND CONFIDENTIAL INFORMATION RELATED TO ECONOMIC DEVELOPMENT:

It was moved by Mr. Benton, seconded by Mr. Merrell 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 of appointment of a public employee or public official, pending or imminent litigation.

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

RESOLUTION NO. 22-1109

COMMISSIONERS JOURNAL NO. 77 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 15, 2022

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. Merrell Aye Mr. Benton Aye Mrs. Lewis Aye

Other Business

RESOLUTION NO. 22-1110

IN THE MATTER OF REQUESTING A WAIVER FROM THE REQUIREMENT TO REMOVE A MEMBER OF 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, as an appointing authority to DCBDD, the Board also has the responsibility to remove DCBDD members on the grounds stated in section 5126.0213 of the Revised Code; and

WHEREAS, pursuant to section 5126.0214 of the Revised Code, the Board may request that the director of developmental disabilities waive the requirement for removal on the ground of excessive absence if the DCBDD member's absences are due to a serious health problem;

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

Section 1. The Board hereby requests that the director of developmental disabilities waive the requirement to remove a current DCBDD member on the ground of excessive absence because the member's absences are due to a serious health problem. The Board hereby approves a letter detailing the request for a waiver, which shall be attached to this Resolution.

Section 2. The Board hereby directs the Clerk of the Board to certify a copy of this Resolution to the Superintendent of the DCBDD and the director of developmental disabilities.

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

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton