

**COMMISSIONERS JOURNAL NO. 78 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 19, 2023**

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

Present:
Gary Merrell, Vice President
Barb Lewis, Commissioner

Absent:
Jeff Benton, President

1
RESOLUTION NO. 23-20

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JANUARY 12, 2023:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the “Board”) met in regular session on January 12, 2023; 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 Absent

2
PUBLIC COMMENT

-None.

3
RESOLUTION NO. 23-21

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0118, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0118 AND PROCUREMENT CARD PAYMENTS IN BATCH NUMBER PCAPR0118:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0118, memo transfers in batch numbers MTAPR0118, Procurement Card Payments in batch number PCAPR0118 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
PNC Card (P2300031)	Facilities Department (line 2)	10011105-5300	\$ 4,500.00
PNC Card (P2300031)	Facilities Department (line 1)	10011105-5200	\$80,500.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Account</u>	<u>Amount</u>
R2300336	WONDER WITHIN LLC	EMPLOYEE WELLNESS ACTIVITIES	60211924 - 5301	\$8,677.50
R2300336	WONDER WITHIN LLC	EMPLOYEE WELLNESS ACTIVITIES	10011102 - 5301	\$8,677.50
R2300356	HEALTH DEPARTMENT	LITTER GRANT	22111502 - 5365	\$78,259.00
R2301145	ITA INC	AUDIO VISUAL RENTAL - STATE OF THE COUNTY BROADBAND	10011139 - 5335	\$5,990.83
R2301211	ICE MILLER LLP	CONSULTING SERVICES	22211330 - 5437	\$50,000.00
R2301226	BEAR ENVIRONMENTAL LLC	LIQUID SLUDGE HAULING - RESOLUTION 22-611	66211900 - 5380	\$50,000.00

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R2301249	FORENSIC FLUIDS LABS	DRUG SCREENING KITS	22511607 - 5342	\$27,300.00
R2301250	BOARD OF DEVELOPMENTAL DISABILITIES	HELP ME GROW	70161606 - 5348	\$41,6899.79
R2301251	BERLIN TOWNSHIP TRUSTEES	2023 LEASE AGREEMENT EMS 10	10011303 - 5335	\$18,500.00
R2301273	TSI INC	RESPIRATOR FIT TESTER - EMS	42311453 - 5450	\$16,935.00
R2301304	OHIOHEALTH CORPORATION	EP EXERCISE PHYSIO	10011303 - 5301	\$95,000.00
R2301304	OHIOHEALTH CORPORATION	TESTING PAT, TB	10011303 - 5301	\$22,500.00
R2301309	RELIASTAR LIFE INSURANCE CO	2023 GTL PREMIUMS	60211902 - 5370	\$120,000.00
R2301310	INTERFLEX PAYMENTS LLC	2023 FSA CLAIMS	60211925 - 5370	\$500,000.00
R2301312	INTERFLEX PAYMENTS LLC	2023 FSA ADMIN FEES	60211902 - 5370	\$15,000.00
R2301314	CEBCO	2023 MEDICAL & PRESCRIPTION	60211902 - 5370	\$17,800,000.00
R2301314	CEBCO	2023 DENTAL	60211902 - 5370	\$490,000.00
R2301314	CEBCO	2023 VISION	60211902 - 5370	\$110,000.00
R2301373	STEFFENS SHULTZ INC CHILDRENS HOSPITAL	JAIL PUMPS	40111402 - 5450	\$13,619.00
R2301405	MEDICAL CENTER	MSY PLACEMENT	70161605 - 5342	\$25,000.00
R2301406	MOTOROLA SOLUTIONS INC	MCC 7500E REMOTE CONSOLE	21411306 - 5450	\$101,440.00
R2301407	VILLAGE NETWORK,THE	MSY PLACEMENT I.M	70161605 - 5342	\$25,920.00
R2301409	VILLAGE NETWORK,THE	MSY PLACEMENT M.M	70161605 - 5342	\$29,190.00
R2301412	ADVANCED FORENSIC & PSYCHOLOGICAL SERVICES	PSYCHOLOGICAL SERVICES	70161608 - 5342	\$15,000.00
R2301434	BOUND TREE MEDICAL LLC	MED SUPPLIES	10011303 - 5244	\$80,000.00
R2301434	BOUND TREE MEDICAL LLC	MED DRUGS	10011303 - 5243	\$8,000.00
R2301436	HURSH DRUGS INC	MED DRUGS	10011303 - 5243	\$8,000.00
R2301441	PROFESSIONAL DEVELOPMENT ACADEMY	NACO HIGH PERFORMANCE LEADERSHIP ACADEMY - 9 OECC	66211900 - 5305	\$17,955.00
R2301443	PETERSON CONSTRUCTION CO	HEADWORKS AND AERATION UPGRADES PROJECT -	66611900 - 5410	\$1,727,019.40
R2301445	TREASURER,DELA WARE COUNTY	RETAINAGE - OECC HEADWORKS AND AERATION UPGRADES	66611900 - 5410	\$150,175.60
R2301477	HAZEN AND SAWYER PC	PRELIMINARY AND FINAL DESIGN SERVICES FOR THE PROJECT -	66611900 - 5410	\$235,761.13
R2301486	HAZEN AND SAWYER PC	RESOLUTIONS 20-1163 AND 21-34. ALUM CREEK	66611900 - 5410	\$31,329.95
R2301495	HAZEN AND SAWYER PC	CMAR - CLARIFIER IMPROVEMENTS PROJECT	66611900 - 5410	\$17,691.80
R2301498	MS CONSULTANTS INC	PACKAGE PLANT UPGRADES FINAL DESIGN - RESOLUTION	66611900 - 5410	\$92,308.09

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R2301503	CHANGE HEALTHCARE TECHNOLOGY	EMS BILLINGS	10011303 - 5301	\$60,000.00		
R2301507	MS CONSULTANTS INC	RESOLUTIONS 17- 636, 19-842, 20-451	66711900 - 5410	\$31,102.85		
R2301513	MS CONSULTANTS INC	PROJECT DESIGN - RESOLUTION 19- 969	66711900 - 5410	\$32,000.00		
R2301520	MS CONSULTANTS INC	UPGRADES PROJECT - RESOLUTION 22- 693	66611900 - 5410	\$481,800.00		
R2301524	PETERSON CONSTRUCTION CO	FINAL PAY APP FOR DESIGN PHASE OF OECC HEADWORKS SCIOTO HILLS	66611900 - 5410	\$11,000.00		
R2301572	DLZ OHIO INC	SEWER REHABILITATION PROJECT -	66611900 - 5410	\$39,500.00		
R2301576	CDM SMITH INC	REHAB PROJECT - RESOLUTION 22- 1116.	66711900 - 5410	\$49,790.00		
Vote on Motion	Mr. Merrell	Aye	Mrs. Lewis	Aye	Mr. Benton	Absent

**4
RESOLUTION NO. 23-22**

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The EMS Department is requesting that Lt. Jess Piqari attend an Association of Professionals in Infection Control and Epidemiology Conference in Orlando, Florida June 25-29, 2023 at the cost of \$2,947.09 (fund number 10011303).

The EMS Department is requesting that Assistant Chief Rachael Cox attend an Association of Professionals in Infection Control and Epidemiology Conference in Orlando, Florida June 25-29, 2023 at the cost of \$3,070.54 (fund number 10011303).

The EMS Department is requesting that Libby Wurst attend an Association of Professionals in Infection Control and Epidemiology Conference in Orlando, Florida June 25-29, 2023 at the cost of \$2,938.45 (fund number 10011303).

Juvenile Court is requesting that Judge David A. Hejmanowski attend the 2023 National Conference of Juvenile Justice Conference in Dallas Texas March 17-22, 2023; at the cost of \$2,890.76 (fund number 27826325 and 10026201)

Vote on Motion	Mr. Benton	Absent	Mr. Merrell	Aye	Mrs. Lewis	Aye
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**5
RESOLUTION NO. 23-23**

IN THE MATTER OF ACCEPTING THE TREASURER’S REPORT FOR THE MONTHS OF NOVEMBER AND DECEMBER 2022:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to accept the Treasurer’s Report for the months of November and December 2022.

(Copies available for review at the Commissioners’ Office until no longer of administrative value.)

Vote on Motion	Mrs. Lewis	Aye	Mr. Benton	Absent	Mr. Merrell	Aye
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**6
RESOLUTION NO. 23-24**

IN THE MATTER OF APPROVING AN UPDATED RECOMMENDATION BY THE DELAWARE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE FOR THE APPOINTMENT OF REPRESENTATIVES:

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

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WHEREAS, in accordance with section 3750.03(B) of the Revised Code, the State Emergency Response Commission shall appoint the members of the Delaware County Local Emergency Planning Committee (“LEPC”) from a list of persons submitted by the Delaware County Board of Commissioners (the “Board”); and

WHEREAS, the LEPC recommends the Board submit the following persons to be nominated as representatives to the LEPC, subject to appointment by the State Emergency Response Commission, for the period of January 19, 2023 through August 9, 2023:

Representatives:

Name:	Title:	Employer/Representing:
Vanessa Bishop	Supervisory Natural Resources Specialist	Army Corps of Eng./Environmental
Russ Fling	Emergency Coordinator	Amateur Radio/Community Group

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby accepts the LEPC’s recommendation, approves the aforementioned persons to be nominated as representatives to the LEPC, and authorizes submitting this Resolution to the State Emergency Response Commission for consideration of appointment to the LEPC.

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

7
RESOLUTION NO. 23-25

IN THE MATTER OF ACCEPTING DONATIONS MADE TO THE SHERIFF’S OFFICE:

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

WHEREAS, pursuant to section 9.20 of the Revised Code, the Board may receive by gift, devise, or bequest moneys, lands, or other properties, for their benefit or the benefit of those under their charge; and

WHEREAS, the Sheriff’s Office has received cash donations for support of the annual Shop with A Cop program and to support the Sheriff’s Office Canine Therapy program; and

WHEREAS, these gifts were received from the following organizations in the amounts as follows:

Loyal Order of Moose Lodge 1167:	\$ 2,800.00
The Petland Charities:	\$ 1,000.00; and

WHEREAS, the Delaware County Board of Commissioners wishes to formally accept these donations and offer thanks to all these organizations for their generous support of the Delaware County Sheriff’s Office;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners hereby accepts these donations for a total amount of \$3,800.00 to the Delaware County Sheriff’s Office and thanks to the Loyal Order of Moose Lodge 1167 and The Petland Charities for their thoughtful generosity and commitment to Delaware County.

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

8
RESOLUTION NO. 23-26

IN THE MATTER OF SETTING DATE AND TIME FOR REQUEST FOR STATEMENTS OF QUALIFICATIONS FOR ARCHITECTURAL / ENGINEERING DESIGN SERVICES FOR WILLIS BUILDING REMODEL, DELAWARE COUNTY, OHIO:

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

WHEREAS, the Director of Facilities recommends approval of the Request for Statements of Qualifications for Architectural / Engineering Design Services for Willis Building Remodel Delaware County, Ohio;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Request for Statements of Qualifications for Architectural / Engineering Design Services for Willis Building Remodel Delaware County, Ohio and authorizes the following Public Notice:

Public Notice

Request for statements of Qualifications

ARCHITECTURAL / ENGINEERING DESIGN SERVICES

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Willis Building Remodel

DELAWARE COUNTY, OHIO

The Delaware County Board of Commissioners, in accordance with Section 153.67 of the Ohio Revised Code, wishes to receive Statements of Qualifications (SOQ) from experienced architectural/engineering firms to assist the County in the design and engineering for renovations to the Willis Building for Delaware County Offices.

The work may involve, but is not limited to, detail design development, construction documents, construction administration, and other associated services.

The complete Request for Qualifications may be obtained at the County’s web page, <http://www.co.delaware.oh.us> under the heading “Public Notices and Bids” or by contacting the Delaware County Facilities Management Office at (740) 833-2280, email jmelvin@co.delaware.oh.us, or in person at 1405 US 23 North, Delaware, Ohio during normal business hours.

Statements of Qualifications will be received at the Delaware County Commissioners’ Office, Attention: Mr. Jon Melvin, Director of Facilities, 91 North Sandusky Street, Delaware, Ohio 43015 until 4:30 PM on Tuesday February 28, 2023. Five (5) copies and one (1) electronic copy 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

**Request for statements of Qualifications
Architectural / Engineering Design Services
DELAWARE COUNTY, OHIO**

Project Name:	<u>Willis Building Renovations</u>
Project Location:	<u>2081 US Highway 23 North, Delaware, Ohio 43015</u>
Public Authority/Owner:	<u>Delaware County Board of Commissioners</u>
Address:	<u>91 North Sandusky St., Delaware, Ohio 43015</u>
Project Manager:	<u>Jon Melvin, Director of Facilities</u>
Delivery Method:	<u>General Contractor</u>

A. Project Description

The project is to remodel 30,000 square feet former retail space and portions of existing offices and warehouse space for the Board of Elections and Records Center. Programming and Schematic design has been completed by M+A Architects.

B. Budget

Funding for the project is to be determined.

C. Scope of Architectural / Engineering Services

- Detail Design
- Construction Documents
- Construction Estimate
- Bidding and Award Support
- Construction Administration
- Post-Construction/Closeout

D. Content of Consultant’s Statement of Qualifications

Statement of Qualifications should include, but is not limited to the following:

- Name of firm, address, contact name, email, and telephone number.
- Names, qualification and experience of principals and key personnel who are to be assigned to the project. Provide detailed information on these individuals so as to indicate their availability to the project. This information should include, but not limited to the following for each individual:
 - Number and type of projects in which individual are involved.
 - A graphical or tabular representation of hours available for key personnel.
 - Key personnel being defined as project engineers, design engineers, designers and other professionals needed by the project.

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- Number and composition of staff available for the project, including a table of organization. Composition should be broken into professional, sub-professional, technicians, administrative and clerical.
- Name of the responsible firm member and project manager.
- Listing of all sub-consultants whose qualifications are being used to obtain qualifications in any of the areas identified.
- Listing of previous projects with Delaware County and/or similar projects. Include the scope of the project, square footage, budget, and completion date.
- A brief statement of the firm’s intended approach to the project and the services the firm would recommend, including, but not limited to the services requested.
- A statement of the firm’s overall operating philosophy and organizational characteristics.
- An outline of the firm’s Quality Assurance or Quality Management Program.

E. Submittal Instructions

Statements of Qualifications will be received until **4:30 PM on Tuesday February 28, 2023** at:

Delaware County Commissioners’ Office
Attn: Jon Melvin, Director of Facilities
91 N Sandusky Street
Delaware, Ohio 43015

Five (5) copies and one (1) electronic copy of all submittals are to be included. Submittals pursuant to this invitation will not be received after the hour and date stated above.

Electronic submittals should be combined into one PDF file named with the project number listed on the RFP and your firm’s name. Use the “print” feature of Adobe Acrobat Professional or similar software for creating a PDF rather than using a scanner. If possible, please reduce the file size of the PDF. In Adobe Acrobat Professional, go to Advanced, then PDF Optimizer.

Any proposals submitted to Delaware County, Ohio are to be prepared at the submitter’s expense. Delaware County reserves the right to reject any and all proposals in whole or in part. Acceptance of a proposal shall not constitute an agreement between the submitter and Delaware County. Delaware County shall have no liability whatsoever to any submitter whose proposal is not accepted.

Submit all questions regarding this RFQ in writing to Jon Melvin at jmelvin@co.delaware.oh.us with the project name included in the subject line (no phone calls please). Questions will be answered and posted to the County’s website at <http://www.co.delaware.oh.us> under the heading “Public Notices and Bids” on a regular basis until one week before the response deadline. The name of the party submitting a question will not be included on the Q&A document.

F. Evaluation of SOQ

Statements of Qualifications will be evaluated on the following criteria:

- Competence of the professional design firm and all consultants to perform the required professional design services as indicated by the technical training, education, and experience of the firm's personnel, especially the technical training, education, and experience of the employees within the firm who would be assigned to perform the services.
- Apparent resources and capacity of the firm in terms of its workload and the availability of qualified personnel, equipment, and facilities to perform the required professional design services competently and expeditiously.
- Past performance of the firm as reflected by the evaluations of previous clients and with the Delaware County Board of Commissioners with respect to such factors as control of costs, quality of work, and meeting of deadlines.
- Knowledge or past experience in the construction and design of like projects.
- Location of the firm in relation to the project site.
- Any other relevant factors as determined by the public authority.

As required by the Ohio Revised Code Sections 153.65 to 153.71, responding firms will be evaluated and ranked in order of their qualifications by a selection committee based on proposals and any conducted interviews. Dependant on the total number of proposals submitted, the selection committee may short list the top firms and conduct interviews with the short listed firms only. Upon ranking of at least the top three firms, Delaware County may enter into contract negotiations with the firm ranked most qualified. If no agreement can be reached with the first firm, Delaware County may enter into negotiations with the firm ranked to be the next most qualified firm.

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

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9

RESOLUTION NO. 23-27

IN THE MATTER OF DECLARING PERSONAL PROPERTY OBSOLETE, UNFIT, OR NOT NEEDED FOR PUBLIC USE AND THE INTENT OF SELLING SUCH PROPERTY VIA INTERNET AUCTION OR DISPOSAL OF PROPERTY OF NO VALUE:

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

WHEREAS, Delaware County has personal property not needed for public use, obsolete, or unfit for the use for which it was acquired; and

WHEREAS, Ohio Revised Code section 307.12(E) allows, by resolution, the sale of such property by internet auction; and

WHEREAS, the Delaware County Board of Commissioners passed Resolution No. 16-749 on August 1, 2016, declaring its intent to sell such property by internet auction; and

WHEREAS, certain of such property may require a signature to transfer such property from the county to a buyer; and

WHEREAS, certain of such property may receive no bids during the internet auction and can be declared to be of no value;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, Delaware County, State of Ohio, that the following property listed below be sold in the manner prescribed in Resolution No. 16-749 and that items receiving no bids be considered of no value and may be discarded or salvaged at the direction of the Director of Facilities. The Director of Facilities is hereby authorized to sign any documents needed to transfer such property on behalf of the Board.

Asset #	Type	Make	Model	VIN/Serial Number	Mileage/Note
558	MINI VAN	DODGE	09 Grand Caravan se	2D8HN44E09R617680	76,832
557	CAR	CHEVROLET	09 impala	2G1WS57M191277194	124,407
429	SUV	FORD	2014 POL INTERCEPTOR	1FM5K8AR3EGC02532	165,808
275	FULL SIZE SUV	FORD	2010 expedition 4x4	1FMJK1G50AEB64936	198,092
925	PICKUP TRUCK	FORD	08 F350 DRW	1FDWDF375X8EC38668	124,401
927	PICKUP TRUCK	FORD	99 F550	1FDAF57F0XEE75585	45,039

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

10

RESOLUTION NO. 23-28

RESOLUTION OF NECESSITY FOR PURCHASE OR LEASE OF MOTOR VEHICLES FOR THE USE OF THE DELAWARE COUNTY JOB AND FAMILY SERVICES, JUVENILE COURT, SHERIFF’S OFFICE, AND SEWER DISTRICT:

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

WHEREAS, pursuant to section 307.41 of the Revised Code, the Board of Commissioners of Delaware County, Ohio (the “Board”) may find, by resolution of necessity, that it is necessary to expend county monies for the purchase or lease of motor vehicles to be used by the County Commissioners, by any county department, board, commission, office or agency, or by any elected county official or his or her employees; and

WHEREAS, the Board has before it a request from the Director of Facilities to expend county monies for the lease of new motor vehicles; and

WHEREAS, the motor vehicles are available for lease through the Enterprise Government Vehicle Leasing Program (the “Program”);

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

Section 1. The Board hereby declares that it is necessary to expend county monies for the lease of motor vehicles to be used by the Delaware County Job and Family Services, Juvenile Court, Sheriff’s Office, and Sewer District Office for the following reasons: (1) existing motor vehicles have reached the end of their useful service lives; and (2) new motor vehicles are necessary to provide safe and reliable transportation for County employees.

Section 2. The Board hereby approves the lease of the following motor vehicles from the Program and

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declares that the lease of said motor vehicles shall be in accordance with the Program’s Lease Agreement, pursuant to the contract and terms and conditions set forth in Resolution No. 18-824 approving the Fleet Management Master Equity Lease Agreement, Amendment To Master Equity Lease Agreement, and Credit Application With Enterprise FM Trust:

All General Fund and Other Fund Vehicles to be Leased

Vehicle Type	2023 Vehicle Make and Model	Estimated Annual Lease Payment	Number to be Leased	Estimated Total Annual Lease Payment Per Type
SUV	Ford Escape	\$7,615.00	4	\$30,460.00
SUV	Ford Escape	\$6,801.00	2	\$13,602.00
½ Ton PU, Quad Cab, 4WD, 6.3ft bed	RAM 1500 Classic Tradesman	\$5,311.00	1	\$5,311.00
	TOTAL		7	\$49,373.00

Delaware County Regional Sewer District Vehicles to be Leased:

Vehicle Type	2021 Vehicle Make and Model	Estimated Annual Lease Payment	Number to be Leased	Estimated Total Annual Lease Payment Per Type
SUV	Ford Escape	\$6,801.00	3	\$20,403.00
½ Ton PU, Quad Cab, 4WD, 6.3ft bed	RAM 1500 Classic Tradesman	\$9,290.00	3	\$27,870.00
	TOTAL		6	\$48,273.00

Section 3. The Clerk of the Board is hereby directed to certify a copy of this Resolution to the Director of Facilities and the County Auditor.

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

11

RESOLUTION NO. 23-29

IN THE MATTER OF APPROVING A TRANSFER OF APPROPRIATION FOR ADULT COURT SERVICES:

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

Transfer of Appropriation	Amount
From: 25422302-5101 CBCG Electronic Monitoring/Health Ins.	To: 25422302-5332 CBCG Electronic Monitoring/Cell Phone Allowance
25522309-5101 Drug Court Docket/Health Insurance	25522309-5332 Drug Court Docket/Cell Phone Allowance
	250.25
	160.00

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

12

RESOLUTION NO. 23-30

IN THE MATTER OF APPROVING AN ENGAGEMENT LETTER WITH ICE MILLER WHITEBOARD, LLC, FOR BROADBAND STRATEGIC PLANNING SERVICES:

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

WHEREAS, the Delaware County Board of Commissioners (the “Board”) has received, on behalf of Delaware County, an allocation of State and Local Fiscal Recovery Funds under the American Rescue Plan Act of 2021 (“ARPA”); and

WHEREAS, under ARPA, recipients may use funds to make necessary investments in broadband infrastructure, specifically in unserved and underserved areas; and

WHEREAS, the Board desires to utilize funds to make necessary investments in broadband infrastructure within Delaware County and is in need of preliminary consulting and strategic planning services to identify potential broadband infrastructure projects and prepare the necessary requests for proposals for identified projects;

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

Section 1. The Board hereby finds and determines that it is necessary to make investments in broadband

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infrastructure within Delaware County in order to provide reliable broadband service to areas with an identified need.

Section 2. The Board hereby approves, and authorizes the County Administrator to execute, the following engagement letter with Ice Miller Whiteboard, LLC, for broadband strategic planning services:

Ice Miller Whiteboard

November 28, 2022
WRITER’S DIRECT NUMBER: 614-462-5033
DIRECT FAX: 614-224-3886
EMAIL: CHRISTOPHER.MILLER@ICEMILLER.COM

Delaware County Board of Commissioners
Tracie Davies, Administrator
91 N. Sandusky Street
Delaware, Ohio 43015

Dear Ms. Davies

Thank you for the opportunity to represent Delaware County and its affiliates. This engagement letter (“Engagement Letter”) confirms our agreement with you regarding the engagement of Ice Miller Whiteboard, LLC (“Whiteboard”) and describes the basis on which Whiteboard will provide Government Relations services. The following outlines our objectives and the scope of the engagement, as well as the proposed fee arrangement and other related matters.

Scope of Engagement

Ice Miller Whiteboard will be providing consulting services to Delaware County, Ohio (the “County”) as the County pursues implementation of broadband strategic planning, Broadband expansion, and a potential broadband procurement in the County along with any other services that the County may request.

Payment Terms

Whiteboard will bill the County on a monthly hourly basis not to exceed Fifty Thousand Dollars (US\$50,000.00) for this project unless and until the County directs otherwise. Additional payment terms are included in Addendum A (General Terms of Service) and Addendum B (Federal Contract Provisions for Non-Federal Entity Contracts under Federal Awards) attached to this letter.

Engagement Terms

The General Terms of Service outlined in Addendum A are incorporated herein and made a part of this letter of engagement.

Customer understands that Whiteboard is not a law firm and does not practice law or provide legal services or legal advice.

Unless a different engagement letter is executed in the future, the basic terms of this engagement letter will also be applicable to, and govern our professional relationship on all subsequent matters, on or in which we may become involved or engaged on your behalf.

If you have any questions regarding this engagement, do not hesitate to call. Otherwise, please have the appropriate signatories acknowledge the receipt and acceptance of this engagement letter by signing and dating the enclosed copy of this letter on the spaces provided below and returning a copy to me. We look forward to working with you and assisting you in developing your strategic plans.

ICE MILLER WHITEBOARD, LLC
an Indiana limited liability company

Christopher L. Miller, Authorized Signer

Date _____

CUSTOMER:
Delaware County Board of Commissioners

By: _____
Tracie Davies
Its: _____

Date _____

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These General Terms of Service (“GTS”) are annexed to, incorporated in and made a part of the Engagement Letter between whiteboard and the Customer identified in the Engagement Letter.

1. **Terms.** The terms defined in the Agreement shall have the same meaning in the GTS unless specified otherwise.

2. **Customer Responsibilities.** Customer agrees to pay our statements for services and expenses as provided herein and in these GTS. In addition, Customer agrees to be candid and cooperative with Whiteboard and will keep Whiteboard informed with complete and accurate factual information, documents and other communications relevant to the subject matter of our engagement or otherwise reasonably requested by Whiteboard. Because it is important that we be able to contact Customer at all times in order to consult with Customer regarding this engagement, Customer will inform Whiteboard, in writing, of any changes in the name, address, telephone number, contact person, email address, state of incorporation or other relevant changes regarding Customer or Customer’s business. Customer’s failure to communicate and cooperate with Whiteboard in these respects could have an adverse effect on our ability to effectively and efficiently deliver services within the scope of work outlined in the Agreement and may require that we suspend the delivery of further services in respect of, or entirely withdraw from, this engagement.

3. **Payment Terms.** Payment is due upon receipt of each statement. In the event Customer disagrees with, disputes or questions the amount stated to be due under any statement, Customer agrees to communicate such disagreement, dispute or question to Whiteboard in writing within 30 days following your receipt of such statement. In the absence of our receipt of such written communication regarding the amount stated to be due under any statement within such time, either of Whiteboard shall be entitled to assume that Customer has agreed to the amount of such statement and that Customer will pay the same amount within 30 days following your receipt of such statement. Any statement which is not paid within 30 days of its date will be considered past due. We reserve the right to charge interest on any such past due billings at the rate of 1½% per month (18% per annum) until paid.

4. **Business Advice.** It is understood and agreed that Customer is not relying upon Whiteboard for business, investment or accounting advice or decisions, or to investigate the character or credit of any persons with whom Customer is or may be dealing.

5. **Not Legal Services.** The consulting services contemplated by the Agreement do not include performance of legal research, legal analysis or advice, or any other services which may involve the practice of law. Whiteboard is not a law firm and does not practice law or provide legal services or legal advice. Accordingly, Customer is not hiring Whiteboard as its law firm or any of Whiteboard’s representatives as legal counsel.

6. **Conflicts of Interest.** The parent company of Whiteboard, the law firm of Ice Miller LLP, represents or may in the future represent a number of clients and customers that may have interests in conflict with Customer. Customer acknowledges that such adverse representations do not breach any obligation of Whiteboard or its parent, Ice Miller LLP, to Customer.

7. **No Attorney-Client Privilege.** Customer is aware that Whiteboard is not a law firm and its representatives are not practicing law. Therefore, Customer acknowledges and agrees communications with Whiteboard and its representatives will not be subject to the attorney-client privilege.

8. **Outcome or Success.** Customer agrees that Whiteboard cannot and does not guarantee the outcome or success of any service contracted for by Customer under the Agreement or this GTS.

9. **Ohio Law.** The parties hereby consent to the exclusive jurisdiction of the courts of the State of Ohio in Franklin County, and the federal courts located therein and waive any contention that any such court is an improper venue for enforcement or interpretation of the Agreement and this GTS.

10. **Entire Agreement.** The Agreement together with the GTS, any exhibits and documents referred to herein or therein constitute the complete understanding of Customer and Whiteboard and merge and supersede any and all other discussions, agreements and understandings either oral or written between Whiteboard and Customer with respect to the subject matter hereof. If any provision of the Agreement or this GTS is held to be invalid or unenforceable for any reason, the remaining provisions will continue to be valid and enforceable. If a court finds that any provision of the Agreement or this GTS is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision will be deemed to be written, construed, and enforced as so limited. The Agreement or this GTS may be modified or amended only in a writing signed by Customer and an authorized officer of Whiteboard.

11. **Miscellaneous.** Customer agrees to comply with all federal, state and local laws, rules and regulations applicable directly or indirectly to the matters covered by the Agreement. The Agreement and this GTS shall be governed by the laws of the State of Ohio. This engagement letter may not be assigned without mutual prior written consent by Customer and Whiteboard.

**DELAWARE COUNTY COMMISSIONERS
Broadband Strategic Planning Services
Ice Miller Whiteboard Engagement Letter Addendum B
Contract Provisions for Non-Federal Entity Contracts under Federal Awards**

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This project may be funded, in whole or in part, through a Federal Award. All provisions provided below are hereby incorporated by reference into the engagement letter referenced above (the "Agreement") and upon entering into the Agreement, Contractor certifies the following:

Appendix II to Part 200 Contract Provisions

(A) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

Pursuant to Rule (A) above, Owner reserves the right to terminate any agreement resulting from this procurement process, subject to the terms and conditions of the Agreement, if any.

(B) Debarment and Suspension (Executive Orders 12549 and 12689) - A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

Pursuant to Rule (B) above, Contractor certifies that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation by any federal department or agency.

Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area
Firms (2 C.F.R. § 200.321)

The Contractor shall take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Such affirmative steps must include:

- (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises; and
- (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.

Domestic
Preferences
(§200.322)

Contractor agrees, as appropriate and to the extent consistent with law, and to the greatest extent practicable, to purchase, acquire, or use goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products).

For purposes of this section, "produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States, and "manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

Recovered Materials (2 C.F.R. § 200.323)

Contractor agrees to the extent practical it complies with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act.

Prohibition on Certain Telecommunications and Video Surveillance Services or
Equipment (2 C.F.R. § 200.216)

Contractor, nor its subcontractors shall provide or install equipment, services, or systems that uses "covered telecommunications equipment or services" as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, "covered telecommunications equipment" is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities); video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities); telecommunications or video surveillance services provided by such entities or using such equipment; or telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

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Record Retention (2 C.F.R. § 200.334)

The Contractor shall comply with the record retention requirements detailed in 2 CFR § 200.334. Financial records, supporting documents, statistical records, and all other records pertinent to the federal award must be retained for a period of three years from the date of the completion of the project.

Complying with Federal, State, and Local Laws

Contractor agrees to comply with federal, state, and local laws, rules, regulations, and ordinances, as applicable. It is further acknowledged that Contractor certifies compliance with provisions, laws, acts, regulations, etc. as noted above.

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

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ADMINISTRATOR REPORTS

Tracie Davies, County Administrator
-No reports.

Dawn Huston, Deputy Administrator
-No reports.

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COMMISSIONERS' COMMITTEES REPORTS

Commissioner Lewis
-No reports.

Commissioner Merrell
-Had the opportunity to swear in four new Developmental Disabilities board members last week.
-Met with the new Health District Director last week.

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RESOLUTION NO. 23-31

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT; EMPLOYMENT; PROMOTION; COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL; FOR PENDING OR IMMINENT LITIGATION; FOR COLLECTIVE BARGAINING:

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

WHEREAS, pursuant to section 121.23(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 121.23(G)(1)-(7) of the Revised Code; and

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

Section 1. The Board hereby adjourns into executive session for consideration of appointment; employment; promotion; compensation of a public employee or public official; for pending or imminent litigation; for collective bargaining.

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

RESOLUTION NO. 23-32

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

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

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

There being no further business, the meeting adjourned.

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Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners