

COMMISSIONERS JOURNAL NO. 78 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MAY 15, 2023

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

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

1
RESOLUTION NO. 23-401

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD MAY 11, 2023:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on May 11, 2023; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.11 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the electronic record of proceedings at the previous meeting.

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

2
PUBLIC COMMENT

3
RESOLUTION NO. 23-402

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0512 AND, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0512:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0512, memo transfers in batch numbers MTAPR0512 and Purchase Orders as listed below:

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

4
RESOLUTION NO. 23-403

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 Jarod Tupps attend an NACO online course for a Professional Development Academy at various times and dates September 18-December 22, 2023; at the cost of \$1,995.00 (fund 10011303)

The EMS Department is requesting that Steve Kocsis attend an NACO online course for a Professional Development Academy at various times and dates September 18-December 22, 2023; at the cost of \$1,995.00 (fund 10011303)

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

5
RESOLUTION NO. 23-404

IN THE MATTER OF HONORING ROCK JONES ON HIS RETIREMENT AS OHIO WESLEYAN'S PRESIDENT:

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

WHEREAS, Rock Jones became the 16th president of Ohio Wesleyan University in 2008 and, after 15 years of faithful and focused leadership, is retiring after the 2022-2023 academic year; and

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WHEREAS, during his tenure, Jones spearheaded numerous initiatives, from curriculum development that facilitates work and travel experience to major renovation and construction projects at an institution that is both a nationally ranked liberal arts institution and a locally prominent part of the Delaware County community; and

WHEREAS, Jones has been an active member of our community, serving on the boards of The Strand Theatre and the Delaware County Foundation, and has guided O.W.U. in collaborations with local organizations, including the creation of the Delaware Entrepreneurial Center; and

WHEREAS, Jones leaves an indelible mark on Ohio Wesleyan University and Delaware County and we wish him well on his much-deserved retirement and look forward to seeing the school continue to change lives because of Jones’s hard work.

THEREFORE, BE IT RESOLVED, that the Delaware County Board of Commissioners hereby expresses its gratitude and respect for Rock Jones on the occasion of his retirement from the presidency of Ohio Wesleyan University.

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

6

RESOLUTION NO. 23-405

IN THE MATTER OF HONORING DELMA JACKSON AS A 2023 DELAWARE COUNTY INDUCTEE INTO THE CENTRAL OHIO SENIOR CITIZENS HALL OF FAME:

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

WHEREAS, Delma Jackson is being honored as a 2023 Delaware County inductee into the Central Ohio Senior Citizens Hall of Fame; and

WHEREAS, Jackson has been a dedicated volunteer driver for the Meals on Wheels program run by SourcePoint, driving nearly 17,000 miles and volunteering more than 1,100 hours during her years of service; and

WHEREAS, Jackson is also a certified hunting safety instructor and volunteer for the Ohio Department of Natural Resources, Division of Wildlife, teaching people of all ages about firearms, archery, wildlife management and more; and

WHEREAS, Jackson has also been a volunteer coordinator and host for foreign-exchange students through the Youth for Understanding organization.

THEREFORE, BE IT RESOLVED, that the Delaware County Board of Commissioners hereby honors and expresses its gratitude to Delma Jackson for her community spirit and congratulates her on the well-deserved honor of induction into the Central Ohio Senior Citizens Hall of Fame.

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

7

RESOLUTION NO. 23-406

IN THE MATTER OF HONORING EILEEN BRENNER AS A 2023 DELAWARE COUNTY INDUCTEE INTO THE CENTRAL OHIO SENIOR CITIZENS HALL OF FAME:

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

WHEREAS, Eileen Brenner is being honored as a 2023 Delaware County inductee into the Central Ohio Senior Citizens Hall of Fame; and

WHEREAS, Brenner, a Delaware County resident and member of Lions Club International for more than 25 years, has served in a wide variety of roles, from President to District Governor with the Lions and has been dedicated to their mission of community growth, development and improvement; and

WHEREAS, Brenner has also been a dedicated volunteer with LOSS Community Services, an organization that provides support, resources and hope for those impacted by the losses of suicide and also volunteers with Question. Persuade. Refer., a program that helps people recognize the warning signs of suicide ideation; and

WHEREAS, Brenner also hosts two fundraisers per year for the Leukemia Lymphoma Organization, in honor of her daughter who passed away from Acute Myeloid Leukemia.

THEREFORE, BE IT RESOLVED, that the Delaware County Board of Commissioners hereby honors and expresses its gratitude to Eileen Brenner for her community spirit and congratulates her on the well-deserved honor of induction into the Central Ohio Senior Citizens Hall of Fame.

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

8
RESOLUTION NO. 23-407

IN THE MATTER OF SETTING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING FOR CONSIDERATION OF A PETITION FROM THE CONCORD TOWNSHIP BOARD OF TRUSTEES, REQUESTING THE BOARD ADOPT A RESOLUTION ORDERING THE VACATION OF A PORTION OF RIVER VIEW DRIVE ON THE PLAT OF LUCY DEPP’S PARK PLACE ADDITION LOCATED IN THE UNINCORPORATED PORTION OF CONCORD TOWNSHIP, DELAWARE COUNTY, OHIO, UNDER THE SPECIAL PROCEDURES OF R.C. 5553.045:

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

WHEREAS, on May 5, 2023, the Delaware County Board of Commissioners (the “Board”) received a petition filed by the Concord Township Board of Trustees, requesting the Board adopt a resolution ordering the vacation of a portion of River View Drive on the Plat of Lucy Depp’s Park Place Addition located in the unincorporated portion of Concord Township, Delaware County, Ohio (the “Petition”); and

WHEREAS, pursuant to section 5553.045 of the Revised Code, the Board shall set a public hearing on the Petition within forty-five days of the date on which the Petition was filed;

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

Section 1. The Board shall hold a public hearing on the Petition on June 15, 2023, 9:45 AM, at the Office of the Board, 91 North Sandusky Street, Delaware, Ohio.

Section 2. The Board hereby directs the Clerk of the Board to notify by regular mail the landowners abutting the portion of River View Drive requested for vacation in the Petition. That notice shall be sent at least twenty days before the Board’s public hearing, shall state that the Concord Township Board of Trustees has filed the Petition for vacation of a portion of River View Drive, and shall inform the landowners of the date, time, and place of the public hearing on the Petition. The notice shall be mailed to the addresses of the abutting landowners as they appear on the county auditor’s current tax list or the county treasurer’s mailing list.

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

9
RESOLUTION NO. 23-408

IN THE MATTER OF ESTABLISHING THE MAINTENANCE ACCOUNT, APPROVING THE MAINTENANCE EASEMENTS, AND CERTIFYING THE DRAINAGE MAINTENANCE ASSESSMENT COLLECTION PERCENTAGE FOR 2024 FOR THE KINGSTON #2017-1 DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, the Delaware County Engineering Staff and the Soil and Water Conservation District Staff recommend finalizing the construction assessments, establishing the Drainage Maintenance Account, and approving the Drainage Maintenance Easements for the Kingston #2017-1 Drainage Improvement Project; and

WHEREAS, for the request to finalize the construction assessments (final schedule of assessments available in the Commissioners’ Office until no longer of administrative value), establish the Drainage Maintenance account for the referenced project, approve the Drainage Maintenance easements per Chapters 6131 and 6137 of the Revised Code, and certify the Drainage Maintenance assessment collection percentage for 2024, the following information may be used to initiate the account:

Name: Kingston #2017-1
Account: 2201
Organization: 21911401
Amount: \$8,357.98
2024 Collection: 5.0%

Maintenance Easement Description: (Map available at Engineer’s Office)

Beginning at Point A at the junction of the Kingston#2017-1 open channel and Little Walnut Creek and extending upstream to a terminus at Point C at the Meluch/Blommel property line and Point N on the Yoke/Ramos property line.

A to J
25 feet right of top of bank
25 feet left of top of bank

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J to K
Right to the Kilbourne Road right-of-way
20 feet left of subsurface drain

K to N
25 feet right of top of bank
25 feet left of top of bank

B to C
25 feet right of top of bank
25 feet left of top of bank

D to E
20 feet right of subsurface drain
20 feet left of subsurface drain

F to G
20 feet right of subsurface drain
20 feet left of subsurface drain

H to I
20 feet right of subsurface drain
20 feet left of subsurface drain

L to M
20 feet right of subsurface drain
20 feet left of subsurface drain

A1 to A2 Access Easement
30 feet west of property line

A3 to A4 Access Easement
30 feet east and south of property line

A5 to A6 Access Easement
30 feet west of property line

A7 to A8 Access Easement
30 feet centered on the driveway

A9 to A10 Access Easement
30 feet centered on the driveway

A11 to A12 Access Easement
30 feet centered on the driveway

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners establishes the Maintenance Account and approves the Maintenance Easements for the Kingston #2017-1 Drainage Improvement Project and certifies the drainage maintenance assessment collection percentage for 2024;

BE IT FURTHER RESOLVED that the Board of Commissioners will approve the final schedule of construction assessments (copy available in the Commissioners' Office until no longer of administrative value) when the interest rate of the bond for the borrowing of money is determined;

BE IT FURTHER RESOLVED that the Commissioners' Office will supply to the Auditor's Office the final schedule of construction assessments after the bond is issued and the interest rates are determined for the assessments. Eight years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited to pay their assessments with the interest rate of the installment.

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

10
RESOLUTION NO. 23-409

IN THE MATTER OF ESTABLISHING THE MAINTENANCE ACCOUNT, APPROVING THE MAINTENANCE EASEMENTS, AND CERTIFYING THE DRAINAGE MAINTENANCE ASSESSMENT COLLECTION PERCENTAGE FOR 2024 FOR THE KINGSTON #2017-2 DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, the Delaware County Engineering Staff and the Soil and Water Conservation District Staff

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recommend finalizing the construction assessments, establishing the Drainage Maintenance Account, and approving the Drainage Maintenance Easements for the Kingston #2017-2 Drainage Improvement Project; and

WHEREAS, for the request to finalize the construction assessments (final schedule of assessments available in the Commissioners’ Office until no longer of administrative value), establish the Drainage Maintenance account for the referenced project, approve the Drainage Maintenance easements per Chapters 6131 and 6137 of the Revised Code, and certify the Drainage Maintenance assessment collection percentage for 2024, the following information may be used to initiate the account:

Name: Kingston #2017-2
Account: 2301
Organization: 21911401
Amount: \$15,689.03
2024 Collection: 5.0%

Maintenance Easement Description: (Map available at Engineer’s Office)

Beginning at Point A at the junction of the Kingston#2017-2 open channel and Little Walnut Creek and extending upstream to a terminus at Point D on the north side of Todd Street Road approximately twenty feet west of the driveway for 9225 Todd Street Road.

A to B
25 feet right of top of bank
25 feet left of top of bank

B to C
20 feet right of subsurface drain
20 feet left of subsurface drain

C to D
20 feet right of subsurface drain
20 feet left of subsurface drain

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners establishes the Maintenance Account and approves the Maintenance Easements for the Kingston #2017-2 Drainage Improvement Project and certifies the drainage maintenance assessment collection percentage for 2024;

BE IT FURTHER RESOLVED that the Board of Commissioners will approve the final schedule of construction assessments (copy available in the Commissioners’ Office until no longer of administrative value) when the interest rate of the bond for the borrowing of money is determined;

BE IT FURTHER RESOLVED that the Commissioners’ Office will supply to the Auditor’s Office the final schedule of construction assessments after the bond is issued and the interest rates are determined for the assessments. Eight years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited to pay their assessments with the interest rate of the installment.

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

**11
RESOLUTION NO. 23-410**

IN THE MATTER OF DECLARING COUNTY PERSONAL PROPERTY OBSOLETE, UNFIT, OR NOT NEEDED FOR PUBLIC USE:

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

WHEREAS, pursuant to section 307.12(I) of the Revised Code, the Delaware County Board of Commissioners (the “Board”) may determine that county personal property is not needed for public use, or is obsolete or unfit for the use for which it was acquired, and if the property has no value, the Board may discard that property; and

WHEREAS, the Delaware County Department of Emergency Medical Services has a treadmill at EMS Station 2 that is broken and unable to reasonably be repaired, due to the repair cost and the unavailability of parts;

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

Section 1. The Board hereby declares that the treadmill is unfit for the use for which it was acquired, determines that the treadmill has no value, and authorizes the Department of Emergency Medical Services to discard the treadmill.

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

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12**RESOLUTION NO. 23-411**

IN THE MATTER OF APPROVING THE GRANT AGREEMENT AND FUNDING APPLICATION BY AND BETWEEN THE STATE OF OHIO, DEPARTMENT OF YOUTH SERVICES, AND THE DELAWARE COUNTY BOARD OF COUNTY COMMISSIONERS ON BEHALF OF THE DELAWARE COUNTY JUVENILE COURT:

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

WHEREAS, the County Juvenile/Probate Court Judge and Staff recommend approval of the Grant Agreement and Funding Application by and between the State of Ohio, Department of Youth Services, and the Delaware County Board of County Commissioners on behalf of the Delaware County Juvenile Court;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Grant Agreement and Funding Application by and between the State of Ohio, Department of Youth Services, and the Delaware County Board of County Commissioners on behalf of the Delaware County Juvenile Court:

**OHIO DEPARTMENT OF YOUTH SERVICES
JUVENILE COURT GRANT AGREEMENT AND FUNDING APPLICATION**

This Grant Agreement and Funding Application is made and entered into by and between the State of Ohio, Department of Youth Services (herein referred to as "Department"), and the Delaware County Board of County Commissioners (herein referred to as "County") on behalf of the Delaware County Juvenile Court (herein referred to as "Juvenile Court"). The Department will provide the base and variable allocations for each fiscal year for the biennial period beginning July 1, 2023, and ending June 30, 2025, subject to the terms and conditions of this agreement.

TERMS AND CONDITIONS**Eligibility**

This Grant Agreement and Funding Application must be signed by the Administrative Judge and President of the County Commissioners or County Executive. A copy must be submitted to the local Ohio Family and Children First Council. The program shall include a method of assuring equal access for minority youth to the programs, care, and services provided through this grant.

Program Performance:

- 1) The Juvenile Court agrees to provide prevention, treatment, and rehabilitation programs for alleged or adjudicated unruly and delinquent children or children at risk of becoming unruly and delinquent children, inclusive of alternatives to commitment of youth to the Department.
- 2) The Juvenile Court agrees to provide early intervention, treatment and rehabilitation programs for youth adjudicated delinquent, unruly, or juvenile traffic offenders as outlined in this Agreement.
- 3) The Juvenile Court agrees to develop effective programs for youth, which preserve their rights and dignity. Program activities must be safe, productive, humane, and adequately supervised.
- 4) If funds are used to place youth in a detention facility or community rehabilitation center, the facility must meet the Ohio Department of Youth Services Standards for Detention Centers or Standards for Community Residential Centers, or be accredited by the American Correctional Association, or adhere to OJDPA standards.
- 5) If funds are used to place youth in a community corrections facility, the facility must meet the Ohio Department of Youth Services Standards for Community Residential Centers.
- 6) If funds are used to provide out of home placement of youth in a facility other than those identified in (4) or (5) above, the facility must be certified by a state agency with certification, licensure, or approval authority, including, but not limited to, the Department of Youth Services, Department of Job and Family Services, Department of Education,

Grant Agreement FY 2024-2025

Department of Mental Health, or Department of Mental Retardation and Developmental Disabilities, or be accredited by the American Correctional Association.

- 7) The Juvenile Court agrees to participate in any program and fiscal monitoring conducted by or on behalf of the Department.
- 8) The Juvenile Court agrees to monitor and evaluate all programs funded through this grant.

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- 9) If the Juvenile Court fails to submit the required data reporting forms or other documentation, the Department shall not make base or variable allocation payments to the county until the required information is received.
- 10) If a variable allocation payment is withheld due to failure to submit required reports and those reports are not submitted within 180 days of the due date, then the payment shall not be made to the county.
- 11) The Juvenile Court shall complete and submit with the Funding Application the individual Program Performance Measures in Attachment B of this Agreement.
- 12) Describe the methods employed to ensure equal access of minority youth to grant programs: All Delaware County Juvenile Court DYS programs are available to all youth regardless of race, ethnicity, and gender. None of the programs are screened based on these demographics.
- 13) First Year (FY 2024) Goals:
- a) Projected number of admissions to DYS in FY 2024: 1
- b) Projected number of admissions to a CCF in FY 2024: 1

Fiscal Accountability:

1. The Juvenile Court shall complete Attachment A of this Agreement.
2. Funds shall be used only for the provision of direct services to youth and for administrative costs associated with the direct services provided.
3. Administrative costs charged to a program are limited to those essential to the administration of the program; indirect costs charged by the county are unallowable within the grant.
4. Funds shall be deposited into the county Felony Delinquent Care and Custody Fund.
5. Funds received by the Juvenile Court shall not be commingled with any other funds.
6. All expenditures must be directly related to the approved programs identified in this Agreement.
7. The Juvenile Court shall maintain files on all contracts funded with grant funds, which shall be made available to DYS upon request.
8. Funds shall not be used for capital construction projects in a total amount exceeding 15% of the base allocation for the current fiscal year. No variable funds may be used for capital construction projects.
9. If any cash balance exists at the end of the state fiscal year, it shall be carried over into the next fiscal year within the Felony Delinquent Care and Custody Fund and shall not be reverted to the county's general fund.
10. Funds shall be in addition to, and shall not be used to reduce, any usual annual increase in county funding that the Juvenile Court is eligible to receive, or the current level of county funding of the Juvenile Court, and of any programs or services for delinquent children, unruly children, juvenile traffic offenders, or non-adjudicated youth supported by county moneys.
11. Funds shall be in addition to, and shall not be used to supplant, any existing county funds.
12. Reimbursement for training and travel costs is limited to that which relates to court services to youth. Records for these expenses shall be maintained.
13. Should a county employee be employed and paid by the subsidy grant in addition to his/her full-time job, the work must be performed on the employee's own time outside of his/her core hours for the other job and compensation must be reasonable and consistent with fair market value. Hours worked for both jobs must be clearly documented.
14. Overtime premiums paid to court employees must be prorated among the various activities of the employee and may not be charged exclusively to grant funds unless the employee works full time on the grant. Overtime rates can be paid only if, and in proportion to the time, the employee worked on the grant during the relevant time period.
15. At the time of separation from employment, the Department will only recognize accrued vacation/sick leave expense liability in proportion to the percentage of the employment period during which the employee was employed in programs funded by the grant and paid from grant funds, pursuant to statutory and county policy limits.
16. All obligations must be incurred by June 30th of each State Fiscal Year and liquidated by September 30th of the following State Fiscal Year, excepting unemployment and worker's compensation expenses.

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17. Expenditures shall not exceed an approved program or approved program line item by twenty percent or five thousand dollars, whichever is less. An amendment must be submitted for the Department's prior approval for any expense which would exceed these limits or which would alter the nature of the program.
18. Up to one thousand dollars may be moved between or within programs into an approved program line item. In such cases, the court shall submit amended budget forms to the Department. Transfers of more than one thousand dollars require that an amendment be submitted to the Department for approval prior to the transfer of funds.
19. Cost of equipment, property, services or any other budgeted items must be at fair market value, or that which would be paid by a prudent buyer in a given community.
20. All purchases are subject to county purchasing policies and procedures, except that purchases of direct service for youth do not have to be competitively bid. If no county purchasing procedures exist, state purchasing procedures as outlined in the Ohio Revised Code shall be followed.
21. Proper inventory schedules must be maintained for all equipment purchased with grant funds, including the following information for all equipment: number, purchase price, date of acquisition, vendor, condition and location.
22. County-established guidelines will be used for the salvage of unusable, damaged, and/or non-repairable equipment taken out of the juvenile court or programs funded by the grant. If no county guidelines exist, state guidelines shall be followed.
23. The Department shall suspend funding to a Subsidy Grant funded program if it finds failure to comply with the Ohio Revised Code or administrative rules promulgated by the Department.

Audits and Monitoring

1. The Juvenile Court shall submit tracking forms, statistical information, and other reports on forms and according to the time frame established by the Department.
2. The Juvenile Court shall maintain records as needed to allow the Department or its designee to conduct program monitoring and evaluation.
3. The Juvenile Court shall, in writing, request the Auditor of State to perform additional procedures as part of the audit performed under Section 117.11 of the Ohio Revised Code, and shall provide a copy of applicable sections of the audit report to the Department upon request. The cost of performing the additional audit procedures shall be paid from the Felony Delinquent Care and Custody Fund. The scope of the additional procedures shall include legal compliance with Sections 5139.34 and 5139.43 of the Ohio Revised Code and Chapter 5139-67 of the Ohio Administrative Code, and examination of revenues and expenditures, cash balance, outstanding obligations, and internal controls.
4. The Department may perform an audit of the county Felony Delinquency Care and Custody Fund. When a county is selected for audit, the Department will perform an audit of the fiscal records in accordance with generally accepted auditing standards, including such tests of the funding records and such auditing procedures considered necessary under the circumstances. The scope of the audit will encompass, but may not be limited to, an examination of the financial transactions, funds and reports pertaining to the approved programs and an evaluation of compliance with the established rules and Grant Agreement.
5. Upon completion of the audit examinations, the Department shall issue an audit report which shall include a statement regarding the expenditures of funds and compliance with applicable regulations and the Grant Agreement, and with approved program amendments.
6. Within one hundred twenty (120) days of the date the Department conducts an audit, the Department shall, in writing, notify the Administrative Juvenile Judge of its intention to take exception to any of the actual costs therein reported. The County Fiscal Agent shall be required to refund to the Department from the county general revenue fund the amount of the exception to the reported costs within forty-five (45) days unless an appeal of the exception is filed.
7. If, within forty-five (45) days of the date of the Department's notification to take exception, the Administrative Juvenile Judge or Board of County Commissioners does not file with the Department a request for appeal, the action proposed in the Department's notification shall be final and binding. If an appeal is filed, the Director of the Department shall notify the juvenile court regarding the decision of the appeal within forty-five (45) days from its receipt. The actions proposed in the Department's notifications may be made final and binding before the expiration of the forty-five days within which the county may appeal if the Administrative Juvenile Judge and the Board of County Commissioners waive, in writing, the provisions of this paragraph. If the determination is made that the appeal of the exception is denied, the County Fiscal Agent shall be required to refund to the Department from the county general revenue fund the amount of the exception to the reported costs within thirty (30) days of notification of the appeal decision.

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8. If the County Fiscal Agent fails to repay the amount of the exception as provided in numbers (6) and/or (7) above, the amount will be deducted from the Juvenile Court’s future base or variable payments.

9. The Juvenile Court shall, with reasonable advance notice, provide the Department or its designee with access to records, including any or all documents related to the Felony Delinquent Care and Custody Fund.

10. The Juvenile Court shall maintain accurate, legible and current fund records which indicate all income and expenditures related to the Felony Delinquent Care and Custody Fund.

11. The Juvenile Court shall support all income and expenditures with documentation to provide a clear audit trail for every transaction.

12. The Juvenile Court shall maintain all records related to this Agreement until the Department has accepted a final closing expenditures report for the last year for which the record documents or supports a cost or expenditure, or for three years, whichever is longer.

Certification of Program Compliance and Non-Supplanting of Funds:

We certify that this program is in compliance with applicable sections of Ohio Revised Code, Sections 5139.34 and 5139.41 - 5139.44, and the Administrative Rules promulgated by the Department and will comply with all laws, including those involving ethics and all executive orders. A copy of this agreement has been submitted to the local Ohio Family and Children First Council.

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

**13
RESOLUTION NO. 23-412**

IN THE MATTER OF APPROVING RIGHT-OF-WAY WORK PERMIT SUMMARY SHEET:

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

WHEREAS, the below requests to perform work within the right-of-way have been reviewed and approved by the Delaware County Engineer;

NOW, THEREFORE, BE IT RESOLVED that the following permits are hereby approved by the Board of Delaware County Commissioners:

<u>Permit #</u>	<u>Applicant</u>	<u>Location</u>	<u>Type of Work</u>
UT2023-0089	SPECTRUM	HOME RD & SCIOTO PKWY	BURY CABLE
UT2023-0090	CONSOLIDATED COOPERATIVE	FANCHER & KEAN RD	UPGRADE ELECTRIC LINE
UT2023-0091	AEP	COMMERCE CT	INSTALL CONDUITS
UT2023-0092	AT & T	N HAMPTON DR	FIBER CABLE
UT2023-0093	AEP	PIATT RD	INSTALL NEW POLE

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

**14
RESOLUTION NO. 23-413**

IN THE MATTER OF APPROVING MODIFICATION #1 TO THE PROFESSIONAL SERVICES AGREEMENT FOR GENERAL ENGINEERING SERVICES:

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

WHEREAS, on October 12, 2020, the Delaware County Board of Commissioners adopted Resolution No. 20-901 on October 12, 2020, approving a Professional Services Agreement for General Engineering Services with IBI Group; and

WHEREAS, the County Engineer recommends modifying the Agreement;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, approves the following Modification #1 to the Agreement:

PROFESSIONAL SERVICES AGREEMENT

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**General Engineering Services
Modification #1**

Original Agreement made and entered into the 12th day of October, 2020, by and between the Delaware County Board of Commissioners, Delaware County, Ohio, 91 North Sandusky Street, Delaware, Ohio 43015 (“County”), and IBI Group, 8101 North High Street, Suite 100, Columbus, OH 43235 (“Consultant”), is hereby modified as follows:

Section 4.3 shall be replaced in its entirety with the following:

4.3 Total compensation under this Agreement shall not exceed Three Hundred Sixty Thousand Dollars and no cents (\$360,000.00) without subsequent modification.

Section 7.1 shall be replaced in its entirety with the following:

7.1 The Consultant shall commence Services upon written order (“Authorization”) from the Project Manager and shall complete the services in accordance with the Authorization, but in no event later than November 1, 2023. No extensions will be provided without prior written approval in accordance with Section 3.1.

All other terms of the Original Agreement shall remain in full force and effect.

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

**15
RESOLUTION NO.23-414**

IN THE MATTER OF APPROVING A TRANSFER OF FUNDS, AND SUPPLEMENTAL APPROPRIATIONS FOR THE ENGINEER’S OFFICE, RED BANK ROAD RESURFACING AND SHOULDER WIDENING PROJECT:

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

TRANSFER OF FUNDS

From		
10040421-5801	29440458-4601	\$122,976.60
Road & Bridge/Misc Cash Transfers	Red Bank Road/Interfund Revenues	

SUPPLEMENTAL APPROPRIATIONS

29440458-5420	Red Bank Road/Road Construction	\$307,441.50
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REVENUE ESTIMATE INCREASE

29440458-4509	Red Bank Road/Federal Grant	\$184,464.90
29440458-4601	Red Bank Road/Interfund Revenues	\$122,976.60

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

**16
RESOLUTION NO. 23-415**

IN THE MATTER OF APPROVING THE PLATS OF SUBDIVISION FOR MULBERRY ESTATES; OLENTANGY FALLS EAST, SECTION 4; RAVINE RUN; AND EVANS FARM MARKETPLACE, LOTS 8885 AND 8886, DIVISION #1:

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

WHEREAS, 4980 Big Walnut Partners, LLC, has submitted the plat of subdivision for Mulberry Estates, including related development plans, and requests approval thereof by the Board of Commissioners of Delaware County; and

WHEREAS, Rockford Homes, Inc., has submitted the plat of subdivision for Olentangy Falls East Section 4, including related development plans, and requests approval thereof by the Board of Commissioners of Delaware County; and

WHEREAS, Ravine Run, LLC, has submitted the plat of subdivision for Ravine Run, including related development plans, and requests approval thereof by the Board of Commissioners of Delaware County; and

WHEREAS, BZ Evans, LLC, has submitted the plat of subdivision for Evans Farm Marketplace East, Lots 8885 and 8886, Division #1, including related development plans, and requests approval thereof by the Board of Commissioners of Delaware County;

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NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves the plats of subdivision for Mulberry Estates; Olentangy Falls East Section 4; Ravine Run; and Evans Farm Marketplace, Lot 8885 and 8886, Division #1:

Mulberry Estates:

Situated in the State of Ohio, County of Delaware, Township of Genoa, Farm Lot 8, Quarter Township 2, Township 3, Range 17, United States Military Lands, Being 17.58 acres tract of land conveyed to 4980 Big Walnut Partners LLC of Record in the Official Record Volume 1978, Page 2060, all references to records being on file in the Office of the Recorder, Delaware County, Ohio. Cost: \$18.00 (\$3.00 per buildable lot)

Olentangy Falls East Section 4:

Situated in State of Ohio, County of Delaware, Township of Liberty, Farm Lots 6 and 7, Quarter Township 1, Township 3, Range 19, United States Military Lands, being 32.738 acres out of that 81.760 acre tract of land conveyed to Rockford Homes, Inc. of Record in Official Record Volume 1686, Page 1761, all references to records being on file in the Office of the Recorder, Delaware County, Ohio. Cost: \$96.00 (\$3.00 per buildable lot)

Ravine Run:

Situated in the State of Ohio, County of Delaware, Township of Orange, in Farm Lot 17, Quarter Township 3, Township 3, Range 18, United States Military Lands, containing 15,738 acres of land, more or less, said 15,738 acres being all of that tract of land conveyed to Ravine Run, LLC by deeds of record in Official Record 1900, Page 884, and Official Record 1900, Page 889, Recorder’s Office, Delaware County, Ohio. Cost: \$42.00 (\$3.00 per buildable lot)

Evans Farm Marketplace, Lot 8885 and 8886, Division #1:

Situated in the State of Ohio, County of Delaware, Township of Orange, Farm Lots 15 & 16, Section 2, Township 3, Range 18, United States Military District, Being 8.712 acre tract of land, being all of lots 8885-8886 of Evans Farm Marketplace, of Record in Plat Cabinet 5, Slide 530-530J, also being a portion of that land as conveyed to BZ Evans, LLC, an Ohio Limited Liability Company, of Record in Official Record 1701, Page 2316 and Official Record 1614, Page 1715, and Flats at Evans Farm 1 & 2, LLC, an Ohio Limited Liability Company, of Record in Official Record 1768, Page 2823, being of Record in the Recorder’s Office, Delaware County, Ohio. Cost: \$18.00 (\$3.00 per buildable lot)

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

17

RESOLUTION NO. 23-416

IN THE MATTER OF APPROVING AN OWNER’S AGREEMENT FOR MULBERRY ESTATES:

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

WHEREAS, the Engineer recommends approving the Owner’s Agreement for Mulberry Estates;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Owner’s Agreement for Mulberry Estates;

OWNER’S AGREEMENT

PROJECT NUMBER: 23029

THIS AGREEMENT, executed on this 15th day of 2023, between Mulberry Collaborative LLC, hereinafter called “**OWNER**” and the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY OHIO (COUNTY COMMISSIONERS)**, for the project described as Mulberry Estates further identified as Project Number 23029 is governed by the following considerations to wit:

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

OPTIONS:

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

OWNER hereby elects to use Option 1 for this project.

The financial warranties are to insure faithful performance of this **AGREEMENT** and the completion of all

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improvements in accordance with the **Delaware County Design, Construction and Surveying Standards and any supplements thereto**. The **OWNER** shall pay the entire cost and expense of said improvements, unless otherwise specifically noted herein.

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

All public improvement construction shall be performed within one (1) year from the date on which this **AGREEMENT** is executed by the **COUNTY COMMISSIONERS**.

The **OWNER** further agrees that any violations of or noncompliance with any of the provisions and stipulations of this **AGREEMENT** shall constitute a breach of contract, and the **COUNTY** shall have the right to stop work forthwith and act against the performance surety for the purpose of proper completion of the public improvements within this subdivision.

It is further agreed that upon execution of the **AGREEMENT**, the **OWNER** shall deposit **Twenty Five Thousand Four Hundred Dollars and No Cents (\$25,400.00)** estimated to be necessary to pay the cost of inspection by the **Delaware County Engineer**. When the fund has been depleted to ten percent (10%) of the original amount deposited, the **OWNER** shall replenish the account upon notice by the **Engineer**. Upon completion of the maintenance period and acceptance of the improvements by the **Delaware County Commissioners**, the remaining amount in the fund shall be returned to the **OWNER**.

Upon completion of construction, the **OWNER** shall be responsible for the maintenance, repair or construction of any and all defective materials or workmanship for a period of **one year**. Said **OWNER'S** bond, certified check, irrevocable letter of credit or other approved financial warranties may be reduced to 10% of the originally approved construction estimate as shown in **Exhibit "A"** for said maintenance. The reduction may be approved only after the **County Engineer** has been provided evidence that all work has been accomplished according to the approved plan and/or to the **County Engineer's** satisfaction. All work is to be done in accordance with the **Delaware County Design, Construction and Surveying Standards, and any supplements thereto**.

Acceptance of the project into the public system shall be completed only after written notice to the **COUNTY COMMISSIONERS** from the **County Engineer** of his approval. The **OWNER'S** maintenance responsibility as described above shall be completed upon formal acceptance by the **COUNTY COMMISSIONERS**.

Any snow or ice removal, erosion and sediment control maintenance, or other safety requirements deemed necessary by the County Engineer during the period of construction or maintenance shall be the responsibility of the **OWNER**. All of the funds set forth in the **AGREEMENT** shall be made available to the **County Engineer** to ensure proper safety compliance.

The **OWNER** shall, within thirty (30) days of completion of construction and prior to final acceptance, to the **COUNTY COMMISSIONERS**, as required, "as-built" drawings of the improvements, which plans shall become the property of the **COUNTY** and remain in the office of the **Delaware County Engineer**.

The **OWNER** shall, within thirty (30) days of completion of construction, furnish to the **COUNTY COMMISSIONERS** an itemized statement showing the cost of improvements and an affidavit that all material and labor costs have been paid. The **OWNER** shall indemnify and hold harmless **Delaware County and all Townships and/or Villages** within and all their officials, employees or agents from expenses or claims for labor or material incident to said construction of improvements.

The **OWNER** shall obtain all other necessary utility services incident to the construction of the improvements and for their continued operation. The **OWNER** shall be responsible for all utility charges and installation costs. The utility user charges shall be paid by the **OWNER** and maintained in continuous use throughout the construction and testing phases until accepted for operation and maintenance by the County.

Should the OWNER become unable to carry out the provisions of this AGREEMENT, the **OWNER'S** heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions and requirements of this **AGREEMENT**.

In consideration whereof, the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** hereby grants the **OWNER** or his agent, the right and privilege to make the improvements stipulated herein.

EXHIBIT "A"

CONSTRUCTION COST ESTIMATE	\$316,500.00
CONSTRUCTION BOND AMOUNT	\$316,500.00
MAINTENANCE BOND AMOUNT	\$31,700.00

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INSPECTION FEE DEPOSIT \$25,400.00

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

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RESOLUTION NO. 23-417

IN THE MATTER OF APPROVING PLANS, SPECIFICATIONS AND ESTIMATES AND SETTING THE BID DATES FOR THE PROJECT KNOWN AS DEL-CR163-4.31 WARRENSBURG ROAD BRIDGE REHABILITATION:

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

WHEREAS, the County Engineer has prepared plans, specifications and estimates for the project known as DEL-CR163-4.31 Warrensburg Road Bridge Rehabilitation (the "Improvement");

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

Section 1. The Board hereby approves the plans, specifications and estimates for the Improvement.

Section. The Board hereby authorizes the County Engineer to advertise for and receive bids for the Improvement on behalf of the Board, in accordance with the following advertisement for bids:

**Public Notice
Advertisement for Bids**

Bids shall be submitted electronically through the www.bidexpress.com web service until 10:00 am Tuesday, June 20, 2023, at which time they will be publicly received and read aloud, for the project known as:

**DEL- CR163-4.31
Warrensburg Road Bridge Rehabilitation**

All proposals shall be submitted electrically through the web service www.bidexpress.com. The bid shall be accompanied by a Bid Security in the form of a bid bond in the amount of one hundred percent (100%) of the bid or a certified check in the amount of ten percent (10%) of the bid. In addition to the Bid Security, a Performance Bond is required for this project in the amount of one hundred percent (100%) of the total project cost.

The Owner of the project is the Delaware County Board of Commissioners. Copies of the plans and specifications must be obtained from www.bidexpress.com. All bidders must register and be a member of the web service to bid on the project.

This notice is posted on the Delaware County website at www.co.delaware.oh.us and may be accessed by selecting "Public Notices and Bids."

The Owner requires that all work associated with the project be completed before July 1, 2024. The estimated commencement of work date is July 10, 2023.

Please see work restriction dates listed in the proposal notes.

This is a prevailing wage contract in accordance with Ohio Revised Code Chapter 4115 and the requirements of the Ohio Department of Commerce, Division of Labor and Worker Safety, Wage and Hour Bureau. Bidders shall comply with all applicable provisions.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of Delaware County. The Board reserves the right to reject any or all bids.

Delaware Gazette Advertisement Dates: May 27, 2023, June 3, 2023, June 10, 2023

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

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ADMINISTRATOR REPORTS

Tracie Davies, County Administrator
-No reports.

Dawn Huston, Deputy Administrator
-No reports.

Aric Hochstettler, Deputy Administrator

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-No reports.

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COMMISSIONERS' COMMITTEES REPORTS

Commissioner Merrell

- Attended the CCAO meeting last Friday.
- Today there will be an event at The Stratford Barn as well as a retirement celebration for Rock Jones at The Strand Theatre.
- Attended a CEBCO meeting where they announced they are going to begin offering insurance to cities, villages and townships.

Commissioner Lewis

-No reports.

Commissioner Benton

- Attended the Investment Committee meeting last Thursday.
- Attended the CEBCO board meeting on Friday.
- Will be attending the Senior Citizens Hall of Fame ceremony on Wednesday.

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RESOLUTION NO. 23-418

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

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

WHEREAS, pursuant to section 121.23(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 employment; compensation of a public employee or public official; to consider the purchase of land for public purchases and confidential information related to economic development.

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. Merrell Aye Mr. Benton Aye Mrs. Lewis Aye

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RESOLUTION NO. 23-419

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

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

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

Jennifer Walraven, Clerk to the Commissioners