

**COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD, MAY 13, 2024**

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

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

10:00 A.M. Public Hearing for Consideration of the Drainage Improvement Petition for the Big Bear Farms Section 2 Part 2 Watershed

**1
RESOLUTION NO. 24-382**

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD MAY 9, 2024:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on May 9, 2024; 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 Mr. Merrell Aye Mr. Benton Aye Mrs. Lewis Aye

**2
PUBLIC COMMENT**

**3
RESOLUTION NO. 24-383**

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR 0510:

It was moved by Mr. Benton, seconded by Mrs. Lewis, to approve Then and Now Certificates, payment of warrants in batch numbers CMAPR 0510 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
P2402926 (UNITED METHODIST	Job and Family Care	22511607-5350	\$12,700.00

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

**4
RESOLUTION NO. 24-384**

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Commissioners' Office is requesting that Jane Hawes attend a City-County Communications and Marketing Association National Conference Arlington, Texas September 3-6, 2024; at the cost of \$2,197.80 (organizational key 10011139).

The Regional Sewer District is requesting that Tiffany Maag, Erik McPeek, Jason Watts, Jeff Hall, Nate Givens and Bic Boyles attend the 2024 One Water Technical Conference & Expo in Sandusky, Ohio from August 5-8, 2024 at the cost of \$6,715.00 (fund number 66211900).

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

**5
RESOLUTION NO. 24-385**

IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM

**COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD, MAY 13, 2024**

AGENT FOR THE PETITIONER, MICHAEL R. SHADE, ATTORNEY-AT-LAW, REQUESTING ANNEXATION OF 87.164 ACRES OF LAND IN DELAWARE TOWNSHIP TO THE CITY OF DELAWARE:

It was moved by Mr. Benton, seconded by Mrs. Lewis, to acknowledge that on May 6, 2024, the Clerk to the Board of Commissioners received a petition requesting annexation of 87.164 acres of land from Delaware Township to the City of Delaware.

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

**6
RESOLUTION NO. 24-386**

IN THE MATTER OF RECOGNIZING MAY 2024 AS FOSTER CARE MONTH IN DELAWARE COUNTY:

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

WHEREAS, close to 15,000 children and youth are in foster care in Ohio; and

WHEREAS, more than 7,000 families know It Takes 100% Heart to foster in Ohio, uplifting children and youth during an uncertain time in their lives; and

WHEREAS, parents and foster families played an important role in the reunification journey of over 4,000 children and youth in 2023; and

WHEREAS, Delaware County currently has 25 children placed with kinship caregivers, 9 placed in family foster homes, 9 placed in treatment foster homes and 4 placed in group home/residential placements; and

WHEREAS, Delaware County currently has 22 licensed foster/foster to adopt homes and 2 adopt only licensed homes; and

WHEREAS, dedicated kinship and foster families, along with school staff and community members, provide lifelong support for children so they can have positive outcomes during their journey to permanency; and
WHEREAS, in 2023, 5 children and youth, and in 2024, 5 children and youth achieved permanency through adoption; and

WHEREAS, “Engaging Youth. Building Supports. Strengthening Opportunities” is the national theme for Foster Care Month;

NOW, THEREFORE, WE, Jeff Benton, Barb Lewis, and Gary Merrell, Commissioners of Delaware County, Ohio, do hereby recognize May 2024 as Foster Care Month.

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

**7
TOM HOMAN, CITY OF DELAWARE MANAGER
INTRODUCTION NIC LANGFORD ECONOMIC DEVELOPMENT DIRECTOR**

**8
RESOLUTION NO. 24-387**

IN THE MATTER OF ADOPTING A DELAWARE COUNTY PUBLIC RECORDS POLICY:

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

WHEREAS, section 149.43(E)(2) of the Revised Code requires every public office to adopt a public records policy in compliance with section 149.43 of the Revised Code for responding to public records requests; and

WHEREAS, on September 27, 2007, the Delaware County Board of Commissioners (the “Board”) adopted Resolution No. 07-1198, adopting a Delaware County Public Records Policy; and

WHEREAS, the Delaware County Prosecuting Attorney’s Office, the Deputy County Administrator/General Counsel, and the Director of Communications recommend adopting an updated Delaware County Public Records Policy;

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

Section 1. The Board hereby adopts the Delaware County Public Records Policy in the form attached hereto and, by this reference, incorporated herein.

**COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD, MAY 13, 2024**

Section 2. This Resolution, and the Delaware County Public Records Policy adopted herein, shall supersede Resolution No. 07-1198 and any and all prior inconsistent resolutions, regulations, policies, and provisions, effective immediately upon adoption of this Resolution.

Section 3. The Board finds and determines that all formal actions taken by this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in said formal actions were in meetings open to the public, in compliance with the laws of the State of Ohio.

(Attached copy of Delaware County Public Records Policy)
**DELAWARE COUNTY
PUBLIC RECORDS POLICY**

I.	Introduction	2
II.	Purpose	2
III.	Definitions	2
IV.	Scope	3
V.	Internal Procedure	3
VI.	Fees and Costs	3
VII.	Availability/Inspection	5
VIII.	Requests for Public Records	5
IX.	Response/Release	6
X.	Special Provisions for Public records Requests Received by Email, Regular, Mail, or Other Delivery Service	7
XI.	Medium	8
XII.	Limited Requests	8
XIII.	Response/Denial	9
	A. Records Not Maintained by the Office Where the Request is Made	9
	B. Ambiguous or Overly Broad Request for Public records (R.C. § 149.43(B)(2))	9
	C. Denial of the Public Records Request	9
	D. Redaction/Procedure	10
XIV.	Special Provisions Related to Email	11
XV.	Grievances	11
XVI.	Failure to Respond to a Public Records Request	12
XVII.	Training and Education	12
	Form 1	13
	Form 2	15
	Form 3	17
	Form 4	20
	Form 5	23
	Form 6	25

I. Introduction:

It is the policy of the Board of Commissioners, Delaware County, Ohio (“Board”) that openness leads to a better informed citizenry, which leads to better government and better public policy. It is therefore the policy of the Board and the government of Delaware County, Ohio (“County”) to strictly adhere to the State of Ohio’s Public Records Act.

II. Purpose:

The Board acknowledges that the County maintains many records including, but not limited to, both fixed medium (i.e., paper, film, etc.) and electronic (i.e., email) that are used in the administration and operation of the County. The records maintained by the Board and/or the County and the ability to access them are a means to provide trust between the public and the County. To foster, maintain, and continue to build such trust, the Board and the County, in accordance with state law, adopt this Public Records Policy (“Policy”). (R.C. § 149.43(E)(2)).

III. Definitions:

As provided by the Ohio Revised Code, the following definitions apply to this Policy:

- A. "Records" includes any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in section 1306.01 of the Revised Code, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office. (R.C. § 149.011(G)).
- B. "Public Record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does

**COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD, MAY 13, 2024**

not mean any of the records listed in R.C. § 149.43(A)(1)(a) through (ss). (R.C. § 149.43(A)(1)).

IV. Scope:

All records of the Board and the County are public records unless they do not meet either or both of the definitions of “Records” or “Public Record” as defined by the Ohio Revised Code (R.C. § 149.011(G) and R.C. § 149.43(A)(1)) or are otherwise specifically exempt from disclosure pursuant to the Ohio Revised Code or applicable federal law.

V. Internal Procedure:

- A. Each office, department, or function that maintains records shall designate and maintain a designated employee who serves as the custodian of all records maintained by that office, department, or function.
- B. Each such designated employee and/or record custodian shall have a copy of this Policy or, in lieu of this Policy, a public records policy developed by that individual office, department, or function. The designated employee and/or record custodian shall, in writing, acknowledge receipt of this Policy or the public records policy developed by that individual office, department, or function in lieu of this Policy. (See Form 1) (R.C. 149.43(E)(2)).
- C. This Policy, as well as the Schedules of Records Retention and Disposition (RC-2) applicable to that office, department, or function are located at every location of that office in which the public may be given access to records.
- D. This Policy is a part of and shall be located in and/or attached to the County Employee Handbook.
- E. A poster which generally describes this Policy shall be displayed at every location in which the public may access records.
- F. The County shall maintain a public records log and, upon receipt, all public records requests shall be logged in the log. Upon completion of the request, all public records requests shall be logged out of the log.

VI. Fees and Costs:

- A. Unless a different fee is required by law, in accordance with R.C § 149.43, the following fee schedule is established for providing copies or reproductions of public records:

Media Type	Unit	Cost Per Unit
Letter or Legal Sized Paper Copy (Single Side)	Page	\$0.10
Letter or Legal Sized Paper Copy (Double Side)	Two Sided Page	\$0.10
Certified Paper Copy	Page	\$2.10
Microfiche	Imaged Page	\$0.10
Film Duplication	Imaged Page	\$0.10
Film Duplication	Imaged Page	\$0.10
Computer Diskette	3.5” Diskette	\$1.00
Audio Cassette Tape	Tape	\$1.00
Video Cassette Tape	Tape	\$2.50
CD/CD Rom	Disk	\$1.00
Thumb Drive	Thumb Drive	Cost of Thumb Drive
Email Documents	Various Forms	No cost if electronically provided or, if redaction copies are required or copies on other media are requested/required, see cost per unit above
Any Other Media	Various Formats	Actual Cost of Media

- B. The above fee schedule shall be clearly posted and visible to the public at all locations authorized to provide copies of public records. (See Form 2).
- C. Advance payment is required before any copies are prepared.
- D. The Board and/or the County shall charge the actual cost of material for media not listed in the fee schedule above.
- E. As a result of security issues and to preserve the integrity of the County’s computer systems, the Board and/or the County will not accept blank media supplied by the requesting party. The Board or the County will supply the media. The cost of the media is included in the fee schedule above or, if not contemplated in the fee schedule above, the media will be supplied at cost.

**COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD, MAY 13, 2024**

- F. The Board and/or the County shall notify the requesting party in advance in writing of any costs for labor or materials in situations where an outside vendor must be hired to fulfill the request(s).
- G. The Board and/or the County will charge the actual costs of postage and mailing supplies when the requesting party requires the public records to be transmitted via the United States Postal Service or any type of priority mail service.

VII. Availability/Inspection

- A. Upon request and subject to R.C. § 149.43(B)(1), all public records shall be promptly prepared and made available for inspection to any person during regular business hours, with the exception of legal holidays.
- B. Copies or reproductions of the requested records shall be made available at cost (See Fee Schedule) and within a reasonable period of time.
- C. "Promptly" and "Reasonable," as used above and in connection with the preparation and production of the requested records, is to be determined by the facts and circumstances of each public records request and should take into account the following:
 1. The opportunity for legal review,
 2. The volume of records requested, and,
 3. The proximity of the location where the records are stored.

VIII. Requests for Public Records

- A. Any person, including corporations, individuals, and even governmental agencies, may request public records, and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.
- B. No specific language is required to make a request for public records. The requester must, however, identify the records requested with sufficient clarity to allow the Board and/or the County to identify, retrieve, and review the records.
- C. If it is not clear what records are being sought, the records custodian shall contact the requester for clarification and should inform the requester of the manner in which the office keeps its records.
- D. To help identify, locate, or deliver the desired public records, the requester may be asked, but is not required, to:
 1. Put a records request in writing,
 2. Provide his or her identity, or
 3. Provide the intended use of the requested public record.

If the requester is asked for any of this information, he or she shall first be advised of the following:

- 1. The requester does not have to answer any of the above questions or provide a written request, and
- 2. The requester's refusal to provide any of this information does not impair the requester's right to inspect and/or receive copies of the requested public records. (R.C. 149.43(B)(5)).
- E. For the purpose of enhancing the ability of the Board and/or the County to identify and provide for prompt inspection and/or copies of the requested records in a reasonable period of time, the requester may be provided with Form 3 for the requester to complete. If providing Form 3 to the requester, the requester shall be informed:
 1. The requester does not have to complete Form 3, and
 2. The requester's refusal to complete or provide any and/or all information on Form 3 does not impair the requestor's right to inspect and/or receive copies of the requested public records. (R.C. 149.43(B)(5)).

IX. Response/Release

- A. Requests for public records shall be processed the same regardless of the means by which the request was made. (Note Section X - Special Provisions for Public Records Requests Received by Email, Regular Mail, or Other Delivery Service.)
- B. The records custodian shall complete the public records request using Form 4 or otherwise substantially documenting the information contained in Form 4.
- C. Requests for records that are capable of being satisfied immediately and about which there are no issues concerning release or inspection should be satisfied immediately.
- D. Requests for public records that are not capable of being satisfied immediately shall be

**COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD, MAY 13, 2024**

processed as follows:

1. Voluminous/Copying or Reproduction Time Required Request (see Form 5 for sample response):
 - a. Each such request for public records should be evaluated for the estimated number of copies required to satisfy the request and/or an estimated length of time required to gather the records.
 - b. The requester shall be informed of the estimated length of time required to respond.
 - c. The requester shall be informed of the estimated total fee/cost associated with copying or reproducing and delivery of the record(s) and that such estimated total cost must be paid in full prior to the record(s) being copied or reproduced.
 - d. The requester shall be informed that any difference between the total estimated cost and the total actual cost shall be settled either by the County re-paying any overage or, prior to the delivery of the records, the requester paying any deficit.
 - e. The requester shall be informed of any items within the request that may be exempt from disclosure.
 - f. If the request is made verbally the above information shall be provided to the requester either verbally or in writing. If the request is made in writing, the requester shall be informed of the above information in writing.
 - g. All such information as required above shall be provided to the requester no more than three (3) days after receiving the request.
 - h. Considering the volume of records requested, the requested records should be made available to the requester within a reasonable period of time.

2. Legal Issue Concerning Release (see Form 6 for sample response):
 - a. In the event a request for public records is made to inspect and/or obtain a copy of a record whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to legal counsel (e.g., Delaware County Prosecuting Attorney) for research and/or review.
 - b. The person submitting the request shall be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempted information is not improperly released. If the request is made verbally this information shall be provided to the requester either verbally or in writing. If the request is made in writing, the requester shall be informed in writing.
 - c. If after review, it is determined that the record shall be released or inspection should be permitted, refer to subsection (E) below.
 - d. If after review, it is determined that the record shall NOT be released, refer to Section XIII.

- E. Copied records may be forwarded to the requestor by any means reasonably acceptable to the requester or the requestor shall be permitted to inspect the records.

- F. Records whose release is prohibited or exempted by either state or federal law, or which are not considered public records as defined by R.C. 149.43(A)(1), shall NOT be subject to public release or inspection. Refer to Section XIII.

- X. Special Provisions for Public Records Requests Received by Email, Regular Mail, or Other Delivery Service**
 - A. Requests for public records received by email, regular mail, or other delivery service shall be responded to in the same manner as public records requests received via any other means, except that the records custodian, upon receipt of the request, shall, by any means practical, contact the requester and advise them as follows:
 1. Advance payment is required prior to providing copies of public records,
 2. The estimated total fee/cost associated with copying or reproducing and delivery of the record(s) and that such estimated total cost must be paid in full prior to the record(s) being copied or reproduced.
 3. That any difference between the total estimated cost and the total actual cost shall be settled either by the County re-paying any overage or, prior to the delivery of the records, the requester paying any deficit.
 4. Any items within the request that may be exempt from disclosure.

 - B. Upon receipt of the fees/costs and where no issues concerning release exist, the copied or reproduced records shall be forwarded to the requester by any means reasonably acceptable to the requester.

 - C. Voluminous requests, requests requiring time for copying or reproduction, and/or requests involving legal issues concerning release shall in all other respects be handled in accordance with Section IX.

**COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD, MAY 13, 2024**

XI. Medium

- A. The requester shall be permitted to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or record custodian determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or records custodian. When the requester makes a choice, the public office or records custodian shall provide a copy of the public record(s) in accordance with the choice made by the requester. (R.C. 149.43(B)(6)).
- B. Persons seeking copies of public records are not permitted to make their own copies of the requested records regardless of means or media. (R.C. 149.43(B)(6)).

XII. Limited Requests

- A. In accordance with section 149.43(B)(7) of the Ohio Revised Code, the Board and the County limits the number of requested public records to be transmitted through United States mail to a maximum of ten records per month, unless the requester certifies that the records or information in them will not be used for commercial purposes.
- B. For purposes of this section, "commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

XIII. Response/Denial

- A. Records Not Maintained by the Office Where the Request is Made
 - 1. The requested records have never been maintained by the office where the request is made,
 - 2. The requested records are no longer maintained or have been disposed of or transferred pursuant to applicable Schedules of Record Retention and Disposition (RC-2),
 - 3. The requested record is a record that has been disposed of pursuant to an Application of the One-Time Records Disposal (RC-1) or Certificate of Records Disposal (RC-3),
 - 4. The requested record is not a record used or maintained by the office where the request is made.

In such case, the requester shall be notified that in accordance with Ohio Revised Code Section 149.40, that there is no record responsive to the request and there is no requirement to create records to meet public record requests.

- B. Ambiguous or Overly Broad Request for Public Records (R.C. 149.43(B)(2))

If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the office or person responsible for the requested public record cannot reasonably identify what public records are being requested:

- 1. The request may be denied.
- 2. However, the requestor shall be provided with an opportunity to revise the request and informed of such opportunity. In such case, the records custodian shall also inform the requester of the manner in which records are maintained by the office and accessed in the ordinary course of the office's or records custodian's duties.

- C. Denial of the Public Records Request

- 1. The request for a record or public record maintained by the office where the request is made may be denied if the record that is requested is prohibited from release due to applicable state or federal law.
 - a. Any denial of public records requested must include an explanation, including legal authority.
 - b. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.
 - c. Employees shall consult legal counsel if they are unsure of whether the record requested or a portion of a requested record should be withheld from disclosure or redacted.
- 2. As governed by R.C. 149.43(B)(3), if a request is ultimately denied, in whole or in part, the requester shall be provided with an explanation, including legal authority, setting forth why the request was denied.
- 3. If the initial request was provided in writing, then the explanation shall also be provided in writing.
- 4. The explanation shall not preclude the Board or the County from relying upon additional reasons or legal authority in defending an action commenced pursuant to

**COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD, MAY 13, 2024**

R.C. 149.43.

D. Redaction/Procedure

1. Definition and Effect of a Redaction

- a. "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Ohio Revised Code. (R.C. 149.43 (A)(13)).
- b. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction. (R.C. 149.43(B)(1)).

2. Redaction Procedure

- a. If a public record contains certain information that is exempt from the duty to permit public inspection or copying, the information within the public record that is exempt shall be redacted and that information in the record which is not exempt shall be made available.
- b. Where a redaction is to be made, the records custodian may make the redaction electronically (computer) or physically (marker).
- c. Electronic redactions shall be made and saved in a separate file from the original record, so that an original record without the redactions is maintained. The redactions shall not be capable of being removed from the record in the separately saved file. The separately saved file containing the redacted record shall be the file/copy of the record that is released to the requester.
- d. Physical redactions shall be made by reproducing a copy of the page where the redaction is to be made. The redaction shall be made on the copied page. The copied page shall then be re-copied with the redactions. The resulting copy shall be the page that is released to the requester. The first reproduction page with the original redactions made by the employee is the work sheet. It shall be attached to the original record, and maintained in accordance with the retention period established for the original document.
- e. When making a redacted public record available for public inspection or copying, the records custodian shall notify the requester of any and all redactions and/or make any and all redactions plainly visible. (R.C. 149.43(B)(1)).
- f. As governed by R.C. 149.43(B)(3), if a request is ultimately denied, in whole or in part, including redactions, the requester shall be provided with an explanation, including legal authority, setting forth why the request was denied or redaction was made.
- g. If the initial request was provided in writing, then the explanation shall also be provided in writing.
- h. The explanation shall not preclude the Board or the County from relying upon additional reasons or legal authority in defending an action commenced pursuant to R.C. 149.43.

XIV. Special Provisions Related to Email

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. Email shall be treated in the same fashion as records in any other format and should follow the same retention schedules.

- A. Records in private email accounts used to conduct public business are subject to disclosure, and all employees or representatives of the Board and the County are instructed to retain their e-mails that relate to public business and to copy them to their business email accounts and/or to the office's records custodian.
- B. The records custodian is to treat the emails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

XV. Grievances

- A. If a person is allegedly aggrieved due to the inability to inspect a public record or due to the inability to receive a copy of the public record, the person shall be advised that they may contact the senior representative of the office where the request was made.
- B. If the person is not satisfied after contacting the senior representative of the office where the request was made, they shall be advised that Ohio Revised Code section 149.43 provides a legal means for addressing their complaint in these disputes. (R.C. 149.43(C)).

XVI. Failure to Respond to a Public Records Request

**COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD, MAY 13, 2024**

The Board and the County recognize the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the failure to comply with a request may result in a court ordering the Board and/or the County to comply with the law and to pay the requester’s attorney’s fees and damages.

XVII. Training and Education

The Board and the County continue to update and address all education, training, disclosure, and policy requirements mandated by R.C. 109.43 and R.C. 149.43(E).

**FORM 1
ACKNOWLEDGEMENT OF
RECEIPT OF THE DELAWARE COUNTY
PUBLIC RECORDS POLICY**

I, _____ am the designated employee and/or record custodian for _____, I hereby acknowledge that I have received on this _____ day of _____, 20____ a copy of the Delaware County Public Records Policy dated March 27, 2024.

DATE: _____
SIGNATURE: _____
PRINTED NAME: _____
TITLE: _____

**FORM 2
FEE SCHEDULE AND POLICY REGARDING
FEES FOR COPIES AND REPRODUCTIONS
OF PUBLIC RECORDS**

Unless a different fee is required by law, in accordance with R.C § 149.43, the following fee schedule is established for providing copies or reproductions of public records:

Media Type	Unit	Cost Per Unit
Letter or Legal Sized Paper Copy (Single Side)	Page	\$0.10
Letter or Legal Sized Paper Copy (Double Side)	Two-Sided Page	\$0.10
Certified Paper Copy	Page	\$2.10
Microfiche	Imaged Page	\$0.10
Film Duplication	Imaged Page	\$0.10
Film Duplication	Imaged Page	\$0.10
Computer Diskette	3.5" Diskette	\$1.00
Audio Cassette Tape	Tape	\$1.00
Video Cassette Tape	Tape	\$2.50
CD/CD Rom	Disk	\$1.00
Thumb Drive	Thumb Drive	Actual Cost of Thumb Drive
Email Documents	Various Formats	No cost if electronically provided or, if redaction copies are required or copies on other media are requested/required, see cost per unit above
Any Other Media	Various Formats	Actual Cost of Media

- A. The above fee schedule shall be clearly posted and visible to the public at all locations authorized to provide copies of public records.
- B. Advance payment is required before any copies are prepared.
- C. The Board and/or the County shall charge the actual cost of material for media not listed in the fee schedule above.
- D. As a result of security issues and to preserve the integrity of the County’s computer systems, the Board and/or the County will not accept blank media supplied by the requesting party. The Board or the County will supply the media. The cost of the media is included in the fee schedule above or, if not contemplated in the fee schedule above, the media will be supplied at cost.
- E. The Board and/or the County shall notify the requesting party in advance in writing of any costs for labor or materials in situations where an outside vendor must be hired to fulfill the request(s).
- F. The Board and/or the County will charge the actual costs of postage and mailing supplies when the requesting party requires the public records be transmitted via the United States Postal Service or any type of priority mail service.

**FORM 3
DELAWARE COUNTY, OHIO
REQUEST FOR PUBLIC RECORDS**

Delaware County, Ohio government belongs to the citizens of Delaware County, Ohio. We conduct our government activities in the open and we are proud of our strong commitment to this important principle of democracy.

IMPORTANT:

COMPLETION OF THIS FORM IS NOT MANDATORY. YOUR REFUSAL TO COMPLETE OR PROVIDE

**COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD, MAY 13, 2024**

ANY AND/OR ALL INFORMATION ON THIS FORM WILL NOT AFFECT YOUR RIGHT AND/OR ABILITY TO INSPECT AND/OR RECEIVE COPIES OR REPRODUCTIONS OF THE REQUESTED RECORDS. (R.C. 149.43(B)(5)).

IF YOU CHOOSE TO COMPLETE THIS FORM, IT WILL HELP US TO BETTER AND MORE EFFECTIVELY SERVE YOU IN PROVIDING YOU WITH THE RECORDS YOU ARE REQUESTING.

1. GENERAL INFORMATION: (Please Print.)

Today's Date	
Name	
Street Address	
City	
State	
Zip Code	
Email Address	
Telephone Number	
Facsimile Number	

2. INFORMATION ON RECORD REQUESTED: (Please Print.)

With as much specificity as possible, please describe what records you are requesting. (Use the back or attach other sheets as needed.)

3. INSPECTION OF RECORD: (Check your preference below.)

There is no charge to inspect public records while in the Delaware County, Ohio office where the records are kept. The County has adopted and provides photocopies and reproductions of public records in accordance with the Fee Schedule and Policy Regarding Fees for Copies and Reproductions of Public Records.

<input type="checkbox"/>	I would like to inspect these records in the office when they are ready.
<input type="checkbox"/>	I would like these records copies/reproduced and I will pick them up when they are ready.
<input type="checkbox"/>	I would like these records copied and mailed (i.e. U.S. Mail or courier service) to me at the address on this form.
<input type="checkbox"/>	I would like these records copied and, if possible, emailed to me at the address on this form.

4. MEDIUM:

Preferred Medium (i.e., paper, email (pdf or locked format only), CD-ROM, thumb drive, etc. . . .) for Copy/Reproduction. <i>I</i>	
--	--

I Medium is limited by the determination of the record custodian as to the types of media upon which the record can reasonably be duplicated as an integral part of the normal operations of the public office or records custodian

**FORM 4
PROCESSING FORM FOR
REQUESTS FOR PUBLIC RECORDS**

Name of Requester	
Date Request Received	
Date Request Completed	

Name of Employee Handling Request	
--	--

1. ESTIMATED NUMBER OF COPIES/FEEES

Type of Unit	Estimated Number of Units	Cost Per Unit	Estimated Total of Fees/Costs

2. PREPAYMENT (REQUIRED)

<input type="checkbox"/> Prepaid

Amount of Prepayment	
Receipt Number	

3. ACTUAL NUMBER OF COPIES/FEEES

Type of Unit	Actual Number of Units	Cost Per Unit	Actual Total of Fees/Costs

4. SETTLEMENT WITH REQUESTOR

COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD, MAY 13, 2024

Yes / No / Not Applicable	Settlement Necessary
Yes / No / Not Applicable	Settlement Made

Amount of Refund to Requester	
Check/Warrant Number	

OR

Amount Due From Requester	
Paid	Yes / No

5. RECORDS NOT AVAILABLE

Record has never been maintained by the County/department/office.
Record is no longer maintained or has been disposed of or transferred pursuant to RC-2
Record has been disposed of pursuant to an application of One-Time Records Disposal RC-1 or Certificate of Records Disposal (RC-3)
Record is prohibited from release due to applicable state or federal law. Cite for the applicable state or federal law.

6. LEGAL ISSUE

Record has been forwarded to legal counsel for research/review.
Record has been reviewed by legal counsel and records are to be released in their entirety.
Record has been reviewed by legal counsel and contained non-releasable material. Non-releasable material has been redacted Cite for the applicable state or federal law permitting redaction.
Record has been reviewed and release of the entire record has been denied by legal counsel. Cite for the applicable state or federal law.

FORM 5

Date

Mr. John Requester
123 North Sandusky Street
Delaware, Ohio 43015

Re: Public Request to _____

Dear Mr. Requester:

This letter is to acknowledge receipt by _____ of your public records request dated _____. Be assured, this office has every intent of fulfilling your request, however, your request has been determined to be voluminous and/or requires time to copy and/or reproduce the requested records. As a result, the purpose of this letter is to advise you of the following concerning your request:

1. We estimate that we can complete your request by _____. If we are not able to complete your request by that estimated date, then we will provide a new estimated date of completion.
2. The estimated total fee/cost associated with copying or reproducing and delivery of the requested records is _____. This amount must be paid to this office in advance of any copying or reproduction of the requested records. If you have not done so already, please forward this amount to this office as soon as possible so that this office may proceed with your request and have your records ready for you on the date specified above. A failure to forward this amount will result in a delay or the requested records not being produced. Any difference between the total estimated cost and the actual total cost shall be settled either by: a) the County re-paying any overage to you; or b) prior to the delivery of the records, you paying the County any deficit.
3. There are/are not items within your request that may be exempt from disclosure. These items which may be exempt are as follows.

Should you have any questions, please feel free to contact me at (740) _____, or email me at _____, or send mail to or meet with me personally at the above address.

COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD, MAY 13, 2024

Sincerely,
Records Custodian

FORM 6

Date

Mr. John Requester
123 North Sandusky Street
Delaware, Ohio 43015

Re: Public Request to _____

Dear Mr. Requester:

This letter is to acknowledge receipt by _____ of your public records request dated _____. Please be advised your request is being reviewed by legal counsel. I will contact you regarding your request as soon as legal counsel completes its review and advises me regarding your request.

Should you have any questions, please feel free to contact me at (740) _____, or email me at _____, or send mail to or meet with me personally at the above address.

Sincerely,
Records Custodian

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

9
RESOLUTION NO. 24-388

IN THE MATTER OF APPROVING OWNER’S AGREEMENTS FOR CARLTON AT BERKSHIRE RIDER ROAD EXTENSION, BEECHWOOD ESTATES AND PAINTER FARMS:

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

WHEREAS, the Engineer recommends approving the Owner’s Agreements for Carleton at Berkshire Rider Road Extension, Beechwood Estates and Painter Farms;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Owner’s Agreements for Carleton at Berkshire Rider Road Extension, Beechwood Estates and Painter Farms as follows:

Carlton at Berkshire Rider Road Extension:

OWNER’S AGREEMENT
PROJECT NUMBER: 24031

THIS AGREEMENT, executed on this 13th day of May, 2024, between Carlton at Berkshire LLC, hereinafter called “OWNER” and the BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY OHIO (COUNTY COMMISSIONERS), for the project described as Carlton at Berkshire Rider Road Extension further identified as Project Number 24031 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 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

**COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD, MAY 13, 2024**

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 Thousand Dollars and No Cents (\$20,000.00) 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.

EXHIBIT "A"

CONSTRUCTION COST ESTIMATE	\$500,200.00
CONSTRUCTION BOND AMOUNT	\$500,200.00
MAINTENANCE BOND AMOUNT	\$50,100.00
INSPECTION FEE DEPOSIT	\$20,000.00

Beechwood Estates:

**COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD, MAY 13, 2024**

OWNER'S AGREEMENT
PROJECT NUMBER: 24015

THIS AGREEMENT, executed on this 13th day of May, 2024, between STATE ROUTE 521 PROPERTIES LLC, hereinafter called "OWNER" and the BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY OHIO (COUNTY COMMISSIONERS), for the project described as Beechwood Estates further identified as Project Number 24015 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 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 Four Thousand Dollars and No Cents (\$24,000.00) 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.

**COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD, MAY 13, 2024**

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.

EXHIBIT "A"

CONSTRUCTION COST ESTIMATE	\$578,300.00
CONSTRUCTION BOND AMOUNT	\$578,300.00
MAINTENANCE BOND AMOUNT	\$57,900.00
INSPECTION FEE DEPOSIT	\$24,000.00

Painter Farms:

OWNER'S AGREEMENT

PROJECT NUMBER:

24027

THIS AGREEMENT, executed on this 13th day of May, 2024, between Concord Equities Ltd. hereinafter called "OWNER" and the BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY OHIO (COUNTY COMMISSIONERS), for the project described as Painter Farms further identified as Project Number 24027, 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.

OWNER cannot record plat until the County Engineer has determined the construction of the project is 100% complete.

The financial warranties are to insure faithful performance of this AGREEMENT and the completion of all 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 Nineteen Thousand Dollars and No Cents (\$19,000.00) 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

**COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD, MAY 13, 2024**

construction of any and all defective materials or workmanship in perpetuity. All work is to be done in accordance with the Delaware County Design, Construction and Surveying Standards, and any supplements thereto.

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 and thereafter shall be the responsibility of the OWNER.

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.

EXHIBIT "A"

CONSTRUCTION COST ESTIMATE	\$384,400.00
CONSTRUCTION BOND AMOUNT	N/A
MAINTENANCE BOND AMOUNT	N/A
INSPECTION FEE DEPOSIT	\$19,000.00

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

**10
RESOLUTION NO. 24-389**

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

It was moved by Mr. Benton, 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:

Permit	Applicant	Location	Type of Work
UT2024-0097	AEP	STEITZ ROAD	ROAD BORE
UT2024-0098	AEP	SHANAHAN RD	ROAD BORE

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

**11
RESOLUTION NO. 24-390**

IN THE MATTER OF RELEASING AND RETURNING THE FINANCIAL WARRANTIES FOR HIGHFIELD DRIVE DITCH RELOCATION AND NORTHSTAR WILSON ROAD MULTI USE PATH PHASE 1:

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

WHEREAS, on October 12, 2020, the Board of County Commissioners (the "Board") entered into an Owner's

**COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD, MAY 13, 2024**

Agreement for Drainage Improvements with T & R Properties for Highfield Drive Ditch Relocation; and

WHEREAS, on August 1, 2020, the Board entered into an Owner's Agreement with Northstar Residential Development, LLC for Northstar Wilson Road Multi Use Path Phase 1; and

WHEREAS, both owners have complied with their obligations under the Agreements; and

WHEREAS, the Engineer requests approval to return the financial warranty for Highfield Drive Ditch Relocation being held as surety to the owner, T & R Properties, and for Northstar Wilson Road Multi Use Path Phase 1 being held as surety to the owner, Northstar Residential Developmental LLC;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby accepts the Engineer's recommendations stated herein and releases and returns financial warranties in accordance with the Engineer's recommendations stated herein.

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

Recessed at 9:55 a.m. / Reconvened at 10:00 a.m.

10:00A.M.- PUBLIC HEARING FOR CONSIDERATION OF THE BIG BEAR FARMS SECTION 2 PART 2 WATERSHED DRAINAGE IMPROVEMENT PETITION FILED BY BIG BEAR FARMS HOMEOWNERS ASSOCIATION:

The Board of Commissioners opened the hearing at 10:00 A.M.

The Board of Commissioners closed the hearing at 10:22 A.M.

RESOLUTION NO. 24-391

IN THE MATTER OF PROCEEDING WITH THE PROJECT SURVEY AND DESIGN FOR THE BIG BEAR FARMS SECTION 2 PART 2 WATERSHED DRAINAGE IMPROVEMENT, PETITIONED BY BIG BEAR FARMS HOMEOWNERS ASSOCIATION:

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

WHEREAS, on November 21, 2023, a petition for the Big Bear Farms Section 2 Part 2 Watershed Drainage Improvement was filed with the Board of Commissioners of Delaware County (the "Board"); and

WHEREAS, on February 22, 2024, the Board conducted a view of the proposed improvement; and

WHEREAS, on May 13, 2024, the Board held the first hearing on the petition; and

WHEREAS, after hearing the preliminary report of the Delaware County Engineer and any evidence offered by any owner for or against the granting of the proposed improvement or for or against the granting of any laterals, branches, spurs, or change of route, course, termini, or manner of construction described in the petition, the Board is prepared to vote to determine whether to proceed with the project survey and design or to dismiss the petition, taking into consideration the petition, the preliminary report, and comments on the proposed improvement;

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

Section 1. The Board hereby finds that the proposed improvement is necessary, that it will be conducive to the public welfare, and that it is reasonably certain that the benefits of the proposed improvement will outweigh its costs. Accordingly, the Board hereby decides to proceed with the project survey and design.

Section 2. The Board hereby determines that the route and termini of the proposed improvement, and the manner of construction thereof, shall be as set forth in the Delaware County Engineer's preliminary report.

Section 3. The Board hereby orders the Delaware County Engineer to prepare reports, plans, and schedules for the proposed Big Bear Farms Section 2 Part 2 Watershed Drainage Improvement. The Board hereby sets May 13, 2026, as the date by which the Delaware County Engineer shall file the reports, plans, and schedules, whereupon a public hearing date will be set and proper notification given to property owners in the affected watershed.

Section 4. THE BOARD HEREBY APPROVES ESTABLISHING A NEW ORGANIZATION KEY FOR THE BIG BEAR FARMS SECTION 2 PART 2 WATERSHED DRAINAGE IMPROVEMENT PROJECT 40311505.

Section 5. This Board finds and determines that all formal actions taken by this Board concerning and relating

**COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD, MAY 13, 2024**

to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in said formal actions were conducted in compliance with the laws of the State of Ohio.

Section 6. This Resolution shall be effective immediately upon adoption.

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

ADMINISTRATOR REPORTS

CA Davies, DCA Huston, Attorney Hochstettler – Nothing to report.

COMMISSIONERS’ COMMITTEES REPORTS

Commissioner Benton – gave reminder of Land Bank meeting on 05/14/24. He attended the “tank jacking” on 05/11/24

Commissioner Lewis – Nothing to report

Commissioner Merrell – Congratulated his grandson.

There being no further business, the meeting adjourned.

Jeff Benton

Barb Lewis

Gary Merrell

Jennifer Walraven, Clerk to the Commissioners