

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

WHEREAS, the people of the State of Ohio and its communities, including the County, have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

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WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, the County has adopted, and hereby reaffirms its adoption of, the OneOhio Memorandum of Understanding (“MOU”) relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the County’s Board of Commissioners (the “Board”) understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS, the State of Ohio has agreed to settlements with Alvogen Inc., Amneal Pharmaceuticals, Inc., Apotex Inc., Hikma Pharmaceuticals USA, Inc., Indivior Inc., Mylan Pharmaceuticals Inc., Sun Pharmaceutical Industries, Inc., and Zydus Pharmaceuticals, Inc. to resolve governmental entity claims in the State of Ohio using the structure of the OneOhio MOU and consistent with the material terms of each respective Settlement Agreement; and

WHEREAS, the Board wishes, on behalf of the County, to agree to the material terms of the proposed National Opioid Settlement Agreements (the “Settlements”) and formally authorize the County’s participation therein;

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

Section 1. That the Board hereby approves the Settlements on behalf of the County, pursuant to the terms of the OneOhio MOU and each respective Settlement Agreement.

Section 2. That the Board hereby approves and authorizes the County Administrator to execute Participation Forms for the Settlements on behalf of the Board and the County.

Section 3. That it is found and determined that all formal actions of the Board relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

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

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RESOLUTION NO. 25-576

IN THE MATTER OF APPROVING VOTING INSTRUCTIONS FOR THE APPROVAL OF THE THIRTEENTH AMENDED JOINT CHAPTER 11 PLAN OF REORGANIZATION OF PURDUE PHARMA L.P. AND ITS AFFILIATED DEBTORS IN CASE NO. 19-23649 BEFORE THE UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK:

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

WHEREAS, the Delaware County Board of Commissioners (the “Board”) adopted Resolution No. 18-130, declaring that the unlawful distribution of prescription opioids created a public nuisance in Delaware County, Ohio and has caused harm to the residents of Delaware County, Ohio, and authorized the retention of special counsel to commence civil litigation against opioid drug manufacturers and distributors; and

WHEREAS, the Board has, in fact, commenced civil litigation against opioid drug manufacturers and distributors; and

WHEREAS, Purdue Pharma L.P., *et al.*, filed a petition under Chapter 11 of the United States Bankruptcy Code, Case No. 19-23649, and the Board, by and through counsel, has submitted a claim therein; and

WHEREAS, the United States Bankruptcy Court for the Southern District of New York has authorized Purdue Pharma L.P. and its affiliated debtors to solicit acceptances for the Thirteenth Amended Joint Chapter 11 Plan of Reorganization (the “Plan”); and

WHEREAS, special counsel to the Board has requested voting instructions from the Board indicating whether the Board approves, rejects, or abstains from voting on the Plan; and

WHEREAS, as a corollary to the Plan, certain shareholders of Pharma L.P. have agreed to a Governmental

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Entity & Shareholder Settlement Agreement (“GESA”); and

WHEREAS, special counsel to the Board recommends approving the GESA;

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

Section 1. The Board hereby approves the Plan and authorizes the County Administrator to submit voting instructions to special counsel on the Board’s behalf expressing such approval.

Section 2. The Board hereby approves the GESA and authorizes the County Administrator to execute the GESA on behalf of the Board.

Section 3. This Resolution shall be effective immediately upon adoption.

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

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AARON RITTENHOUSE, DIRECTOR OF BUSINESS DEVELOPMENT, GRP|WEGMAN
STEPHEN LIPPIELLO, VICE PRESIDENT FOR FINANCE AND ADMINISTRATION OHIO
WESLEYAN UNIVERSITY

INTRODUCTION/PRESENTATION

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RESOLUTION NO. 25-577

IN THE MATTER OF SETTING THE DATE AND TIME FOR A PUBLIC HEARING WITH
RESPECT TO THE PROPOSED ISSUANCE BY THE DELAWARE COUNTY FINANCE
AUTHORITY OF SPECIAL OBLIGATION REVENUE BONDS FOR THE BENEFIT OF PRG-OWU
ENERGY LLC:

It was moved by Mr. Benton, seconded by Mr. Merrell, to approve setting the date and time for a public hearing and to authorize publication of the following notice:

NOTICE OF PUBLIC HEARING

Notice is given that on August 18, 2025, a public hearing, which may be continued or adjourned, will be held by the Board of County Commissioners, Delaware County, Ohio (the “County”) in the Commissioners’ Hearing Room, Second Floor of the Historic Courthouse, 91 North Sandusky Street, Delaware, Ohio 43015, beginning at 9:45 a.m. Eastern Time with respect to the proposed issuance by the Delaware County Finance Authority (the “Issuer”) of special obligation revenue bonds (the “Bonds”) as part of a plan of finance in one or more series which may be issued on the same or different dates in an aggregate principal amount not to exceed \$50,000,000. The Bonds will be issued pursuant to Sections 4582.21 through 4582.59 of the Ohio Revised Code, as enacted and amended from time to time, and the authorities mentioned therein (collectively, the “Act”), for the benefit of PRG – OWU Energy LLC (the “Borrower”), an Ohio limited liability company, the sole member of which is Provident Resources Group Inc., a Georgia nonprofit corporation and a tax-exempt entity under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Code”). The Bonds will be issued as qualified 501(c)(3) bonds under Section 145 of the Code, and the proceeds of the Bonds will be used to finance costs of acquiring, constructing, equipping and improving energy infrastructure at Ohio Wesleyan University (the “University”), all of which constitutes “port authority facilities” within the meaning of Section 4582.21 of the Ohio Revised Code (“Port Facilities”).

The proceeds of the Bonds will be made available to the Borrower to assist in financing the costs of the Port Facilities located at or in close proximity to the campus of the University, whose administrative offices are located at 61 S. Sandusky St. Delaware, Ohio 43015.

The Borrower will be the legal owner of the Port Facilities, which the Borrower will construct, equip, improve, and operate for the benefit of the University.

The Bonds will be special obligations of the Issuer and will not constitute a debt or a pledge of the faith and credit or the taxing power of the Issuer or the County.

Persons wishing to express their views on the proposed bond issuance and the Port Facilities to be financed by the Bonds may participate in the hearing or may submit their views in writing regarding the proposed Bonds and the location and nature of the proposed Port Facilities to be financed.

Any written submissions should be mailed to the County to the attention of Jennifer Walraven, Clerk, at 91 N. Sandusky St., Delaware, Ohio 43015 or emailed to the County at jmwalraven@co.delaware.oh.us. Written statements should be clearly marked “Re: Special Obligation Revenue Bonds (Ohio Wesleyan University Project)”. Written submissions should be mailed or emailed in sufficient time to be received on or before the aforesaid hearing date. Should any attendee require auxiliary aids due to disability or non-English languages, please contact the Clerk at (740) 833-2100 or jmwalraven@co.delaware.oh.us no later than forty-eight (48) hours prior to the hearing, to ensure needs will be accommodated.

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

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JEFF FISHEL, DIRECTOR DELAWARE COUNTY EMERGENCY MEDICAL SERVICES

UPDATE TO BOARD OF COMMISSIONERS THE COMMISSION ON ACCREDITATION OF
AMBULANCE SERVICES

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RESOLUTION NO. 25-578

IN THE MATTER OF RANKING THE PROPOSAL SUBMITTED FOR THE DELAWARE
COUNTY EMERGENCY MEDICAL SERVICES MEDICAID AMBULANCE SUPPLEMENTAL
PAYMENT PROGRAM:

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

WHEREAS, the Delaware County Board of Commissioners (the “Board”) requested competitive sealed proposals from qualified offerors for the Delaware County Emergency Medical services Medicaid Ambulance Supplemental Payment Program, pursuant to section 307.862 of the Revised Code; and

WHEREAS, the Board received one (1) proposal from Public Consulting Group, which was evaluated in accordance with the request for proposals; and

WHEREAS, the Director of EMS has determined that the proposal received is responsive to the request for proposals and recommends entering into contract negotiations with Public Consulting Group;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby determines that the proposal submitted by Public Consulting Group is responsive to the request for proposals and authorizes the County Administrator and the Director of EMS to conduct contract negotiations with Public Consulting Group, being the offeror whose proposal is determined to be the most advantageous to Delaware County.

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

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RESOLUTION NO. 25-579

IN THE MATTER OF CERTIFICATION OF DELINQUENT ACCOUNTS TO THE COUNTY
AUDITOR FOR ACCOUNTS TO BE ASSESSED TO PAYABLE YEAR 2026 TAXES:

It was moved by Mr. Benton, seconded by Mr. Merrell, to certify to the County Auditor the delinquent accounts for placement on the tax duplicate.

WHEREAS, the Delaware County Board of Commissioners (the “Board”) owns and operates a Sewer District as authorized by Chapter 6117 of the Revised Code; and

WHEREAS, section 6117.02 of the Revised Code authorizes the Board to set rates and charges for the sanitary services provided by the Sewer District, and

WHEREAS, when any of the sanitary rates or charges are not paid when due, the Board may certify the unpaid rates or charges, together with any penalties, to the County Auditor, who shall place them upon the real property tax list and duplicate against the property served by the connection; and

WHEREAS, pursuant to Resolution No. 16-720, the Board has established that delinquent accounts will be certified after they are more than ninety days past due and the amount exceeds \$25.00; and

WHEREAS, staff has determined that there are delinquent accounts that meet this criteria, and

WHEREAS, staff recommends collection of the unpaid rates and charges by certifying these delinquent accounts to the County Auditor;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners certifies the delinquent accounts in the amount of \$186,072.49 to the County Auditor for the 2026 real property tax list and duplicate.

(Itemized listing of delinquent accounts available for review at the Commissioners’ Office until no longer of administrative value).

2026 Sewer Tax Assessments
To be certified by the Board of Commissioners on 7/31/2025

Breakdown of Assessments by Treatment Plant:

66211900-4108-11903 – OECC	\$65,264.51
66211900-4108-11904 – Alum Creek	\$101,622.74
66211900-4108-11905 – Lower Scioto	\$6,687.57
66211900-4108-11912 - Package Plants	\$12,497.67

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Total Assessments	\$186,072.49
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Vote on Motion Mrs. Lewis Aye Mr. Merrell Aye Mr. Benton Aye

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MONTHLY SANITARY APPROVAL UPDATE

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RESOLUTION NO. 25-580

A RESOLUTION TO PROCEED WITH SUBMISSION OF THE QUESTION OF LEVYING A RENEWAL OF AN EXISTING TAX, WITH AN INCREASE, IN EXCESS OF THE TEN-MILL LIMITATION FOR THE PURPOSE OF THE ESTABLISHMENT AND OPERATION OF A 9-1-1 SYSTEM:

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

PREAMBLE

WHEREAS, on July 28, 2025, the Delaware County Board of Commissioners (the “Board”) approved Resolution No. 25-548, declaring the necessity to levy a tax in excess of the ten-mill limitation for the purpose of the establishment and operation of a 9-1-1 system, said tax to be levied within the entire County of Delaware, except for the incorporated areas of the Cities of Columbus, Dublin, and Westerville within the County of Delaware (the “Service Area”); and

WHEREAS, the Delaware County Auditor (“Auditor”) has certified the following information to the Board:

- 1. The total current tax valuation of the Service Area is \$12,409,721,930;
- 2. The levy’s effective rate, expressed in dollars, rounded to the nearest dollar, for each one hundred thousand dollars of the Auditor’s appraised value is \$16.00;
- 3. The dollar amount of revenue, rounded to the nearest dollar, that would be generated by 0.73 mills is \$5,886,070; and
- 4. An estimate of the levy’s annual collections, rounded to the nearest dollar, which shall be calculated assuming that the amount of the tax list of the taxing authority remains throughout the life of the levy the same as the amount of the tax list most recently certified by the Auditor under division (A) of section 319.28 of the Revised Code, is \$5,886,070.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, by the Board, at least two-thirds (2/3) of all of the members of the Board concurring, as follows:

- 1. The Board shall proceed with the submission of the question of the tax to electors.
- 2. The rate of the tax levy, expressed in mills for each one dollar of taxable value, is 0.73 mills, which is a renewal levy at the rate of 0.68 mills for the existing tax levy, with an increase of 0.05 mills.
- 3. The effective rate of the tax levy in dollars for each one hundred thousand dollars of the Auditor’s appraised value, as estimated by the Auditor, is \$16.00.
- 4. Pursuant to R.C. § 5705.03(B)(1):
 - a. The proposed rate of the tax is 0.73 mills, which constitutes a renewal levy at the rate of 0.68 mills for the existing tax levy, with an increase of 0.05 mills.
 - b. The purpose of the tax is for the establishment and operation of a 9-1-1 system, said purpose being authorized by R.C. 5705.19(BB);
 - c. The levy is a renewal of an existing tax, with an increase;
 - d. The sections of the Revised Code authorizing submission of the question of the tax are R.C. 5705.03, 5705.19(BB), 5705.191, and 5705.25;
 - e. The term of the tax is five (5) years;
 - f. The territory where the tax is to be levied is the Service Area, being the entire County of Delaware, except for the incorporated areas of the Cities of Columbus, Dublin, and Westerville within the County of Delaware;
 - g. The date of the election at which the question of the tax shall appear on the ballot is November 4, 2025;

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- h. The ballot measure shall be submitted upon the entire territory of the Service Area;
 - i. The tax will be first levied in tax year 2026 and first collected in calendar year 2027;
 - j. No territory outside Delaware County is subject to the tax.
5. The Clerk of the Board is hereby directed to **certify the levy to the Auditor AND the Board of Elections, Delaware County, Ohio (“BOE”)**. Certification shall include copies of ALL of the following documents:
- a. **Resolution of Necessity** (Resolution No. 25-548 adopted on July 28, 2025); and
 - b. **Certification of the Auditor**; and
 - c. **Resolution to Proceed** (This Resolution).

Certification shall occur by **no later than 4:00 PM on August 6, 2025** (90 days prior to the Election).

The Clerk of the Board shall also notify the BOE to cause notice of the Election on the question of levying the tax to be given as required by law.

6. The BOE is hereby directed to submit substantially the following question to the electors at the Election:

<p>OFFICIAL QUESTIONS AND ISSUES BALLOT GENERAL ELECTION – NOVEMBER 4, 2025 DELAWARE COUNTY, OHIO</p> <p>PROPOSED TAX LEVY – RENEWAL AND INCREASE DELAWARE COUNTY (EXCLUDING THE CITIES OF COLUMBUS, DUBLIN AND WESTERVILLE)</p> <p>A Majority Affirmative Vote Is Necessary For Passage.</p>	
<p>A renewal of 0.68 mills and an increase of 0.05 mills for each \$1 of taxable value to constitute a tax for the benefit of Delaware County (excluding the cities of Columbus, Dublin and Westerville) for the purpose of THE ESTABLISHMENT AND OPERATION OF A 9-1-1 SYSTEM that the County Auditor estimates will collect \$5,886,070 annually, at a rate not exceeding 0.73 mills for each \$1 of taxable value, which amounts to \$16.00 for each \$100,000 of the County Auditor’s appraised value, for five years, commencing in 2026, first due in calendar year 2027.</p>	
	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

7. All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. § 121.22.
8. This Resolution shall be in full force and effect immediately upon adoption.

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

OTHER BUSINESS
RESOLUTION NO. 25-581

IN THE MATTER OF APPOINTING A MEMBER TO THE LIBERTY GRAND NEW
COMMUNITY AUTHORITY BOARD OF TRUSTEES:

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

WHEREAS, on December 28, 2020, the Delaware County Board of Commissioners (the “Board”) adopted Resolution No. 20-1188, establishing the Liberty Grand New Community Authority; and

WHEREAS, Kevin Vaughn, a citizen member of the Liberty Grand New Community Authority, has resigned his position, effective July 25, 2025; and

WHEREAS, Justin Nahvi has expressed interest in appointment to the resulting unexpired term; and

WHEREAS, on June 20, 2013, the Board adopted Resolution No. 13-645, adopting a policy for the

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appointment of members to boards and commissions (the “Policy”), which requires posting of all available positions for at least fourteen (14) days and permits the Board to conduct interviews of any applicants; and

WHEREAS, the Board desires to approve an exception to the Policy in order to appoint a member to the Liberty Grand New Community Authority Board of Trustees;

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

Section 1. The Board hereby approves an exception to the Policy for the appointment made herein by choosing to waive the requirement for posting the position and to proceed directly to appointment.

Section 2. The Board hereby approves the appointment of Justin Nahvi as a citizen member of the Liberty Grand New Community Authority to fill an unexpired term ending December 27, 2025.

Section 3. The appointment approved herein shall take effect immediately.

Section 4. The Clerk of the Board of Commissioners is hereby directed to certify a copy of this Resolution to the statutory developer for the Liberty Grand New Community Authority.

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

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ADMINISTRATOR REPORTS

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

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COMMISSIONERS’ COMMITTEES REPORTS

Commissioner Merrell – will be attending the Regional Planning meeting tonight.

Commissioner Benton – attended the Land Bank meeting on 07-28-25

Commissioner Lewis – attended the LEPC meeting on 07-29-25

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RESOLUTION NO. 25-582

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF
PENDING OR IMMINENT LITIGATION:

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

WHEREAS, pursuant to section 121.22(G) of the Revised Code, a public body may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the matters specified in section 121.22(G)(1)–(7) of the Revised Code; and

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

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

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

Section 1. The Board hereby adjourns into executive session for consideration of Pending or Imminent Litigation.

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

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RESOLUTION NO. 25-583

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

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

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

There being no further business, the meeting adjourned.

Jeff Benton

Barb Lewis

Gary Merrell

Jennifer Walraven, Clerk to the Commissioners