

**COMMISSIONERS JOURNAL NO. 40 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 3, 2000**

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

Present: James Ward, Deborah Martin, Donald Wuertz

7:30 PM Public Hearing Sherwood Ditch

8:00 PM Annexation Hearing for 3.09 Acres in Orange Township to City of Columbus

RESOLUTION NO. 00-01

IN THE MATTER OF APPROVING RESOLUTIONS AND MINUTES FROM REGULAR MEETING HELD DECEMBER 27, 1999:

It was moved by Mrs. Martin, seconded by Mr. Ward to dispense with the reading of the minutes and resolutions of the regular meeting held December 27, 1999, and to approve resolutions and minutes as submitted.

Vote on Motion Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

PUBLIC COMMENT

RESOLUTION NO. 00-02

IN THE MATTER OF APPROVING FOR PAYMENT WARRANTS NUMBERED 260916 THROUGH 260999:

It was moved by Mr. Ward, seconded by Mrs. Martin to approve for payment warrants 260916 through 260999 on file in the office of the Delaware County Commissioners.

Vote on Motion Mrs. Martin Aye Mr. Wuertz Aye Mr. Ward Aye

RESOLUTION NO. 00-03

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

It was moved by Mrs. Martin, seconded by Mr. Ward to approve the following:

Human Services is requesting that Lisa Newman attend the Handling Resistance Through Reality Therapy Training at Columbus on February 4, 2000, in the amount of \$15.00.

Human Services is requesting that Lisa Newman attend the Understanding the Borderline Personality Disorder Training on February 22, 2000, in the amount of \$15.00.

Human Services is requesting that Lisa Newman attend the Paternal Deprivation Training on March 29, 2000, in the amount of \$15.00.

Buildings is requesting that Sandy Lewis attend the Getting Organized Fast Seminar at Mansfield on February 7, 2000, in the amount of \$59.00.

Buildings is requesting that Dave Diehl, Bill Johnson, Tom Wilkinson, Ken Bruen and Bryan Lenko attend the "Special & Mixed Uses" Seminar at Columbus on January 12, 2000, in the amount of \$495.00.

EMA is requesting that Dave Hall attend the Disaster Recovery Training at Columbus on January 25 through January 26, 2000, at no cost.

9-1-1 is requesting that Elissa Sessley attend the EMD Certification Course at Columbus on January 15 through January 17, 2000, in the amount of \$295.00.

Dog & Kennel is requesting that Terry Conant attend the MS Excel and MS Power Point Computer Training at JVS South on January 6 and January 13, 2000, in the amount of \$60.00.

Vote on Motion Mr. Wuertz Aye Mr. Ward Aye Mrs. Martin Aye

RESOLUTION NO. 00-04

IN THE MATTER OF APPROVING THE DESIGNATION OF A JOINT WORKFORCE POLICY BOARD, FISCAL AGENT AND WORKFORCE DEVELOPMENT AGENCY FOR DELAWARE COUNTY:

**COMMISSIONERS JOURNAL NO. 40 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 3, 2000**

It was moved by Mr. Ward, seconded by Mrs. Martin to approve the following resolution:

WHEREAS, the Board of Delaware County Commissioners adopted Resolution 99-872 on October 11, 1999, to become a part of the new Ohio Workforce Strategic Option; and

WHEREAS, the Board of Delaware County Commissioners established a joint county Workforce Policy Board, hereby intend to designate a fiscal agent and Workforce Development Agency for Delaware County.

NOW, THEREFORE, BE IT RESOLVED, the Board of Delaware County Commissioners adopts the following:

1. Delaware County is a part of a six county Workforce Policy Board along with Knox, Ashland, Richland, Morrow and Crawford Counties;
2. The Director of the Delaware County Department of Human Services shall serve as fiscal agent for Delaware County; and
3. The Delaware County Department of Human Services is hereby designated as the Workforce Development Agency for Delaware County under the new Workforce Investment Act.

BE IT FURTHER RESOLVED, the Board of Delaware County Commissioners is committed to working intensively with our business community in short time frames to put this new comprehensive approach to workforce development in place. These efforts will be accomplished through the coordinated efforts of the Ohio Bureau of Employment Services and Ohio Department of Human Services within the framework of state law.

Vote on Motion Mrs. Martin Aye Mr. Wuertz Aye Mr. Ward Aye

RESOLUTION NO. 00-05

IN THE MATTER OF APPOINTING FOR YEAR 2000 THE CLERK AND DEPUTY CLERK FOR THE BOARD OF COMMISSIONERS:

It was moved by Mrs. Martin, seconded by Mr. Ward to appoint Letha George, Clerk and Dottie Brown, Deputy Clerk of the Board of Commissioners for the year 2000.

Vote on Motion Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

RESOLUTION NO. 00-06

IN THE MATTER OF APPROVING RESOLUTION ESTABLISHING MEETING DAYS FOR THE BOARD OF COMMISSIONERS FOR YEAR 2000:

It was moved by Mr. Ward, seconded by Mrs. Martin that in compliance with Section 121.22 Ohio Revised Code the following Resolution be adopted:

Resolved, that the Delaware County Board of Commissioners, shall meet in regular session at 9:00 AM on Monday of each week at their Office at 101 N. Sandusky Street, Delaware, Ohio 43015, except when Monday is a legal holiday, in which case, said Board of Commissioners shall meet at 9:00 AM on the next regular working day thereafter. The Board of County Commissioners, shall meet in regular session at 8:00 AM on the second Monday of each month with the Delaware County Prosecutor and shall hold a Public Officials meeting the 2nd Wednesday of each month at 11:30 AM. The Board of County Commissioners shall meet in regular session on the 1st Monday in the month at 7:00 PM with no day session being held. Whenever there is a 5th Monday in the month, the Board of Commissioners will conduct a meeting to be held at night at 7:00 PM with no day meeting to be held. All those wishing to come before the Board must provide the purpose of such and schedule a time with the Clerk of the Board by 5:00 PM on the Wednesday preceding the Monday session. A time will be scheduled during regular session whereas the Board will allow presentation and discussion of any matter not previously scheduled.

It is further Resolved, that notification of all special meetings except those requiring immediate emergency action of the Delaware County Board of Commissioners shall be publicly advertised at least 24 hours in advance by notifying media and posting on internet.

Vote on Motion Mr. Wuertz Aye Mr. Ward Aye Mrs. Martin Aye

RESOLUTION NO. 00-07

**COMMISSIONERS JOURNAL NO. 40 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 3, 2000**

**IN THE MATTER OF APPROVING PLATS FOR WALKER WOOD, SECTION 10, PART 1:
HARVEST WIND, PHASE 4; SHERBROOK, PHASE 5; MADAMA BUTTERFLY SUBDIVISION
AND DITCH MAINTENANCE PETITION FOR SHERBROOK, PHASE 5:**

It was moved by Mrs. Martin, seconded by Mr. Ward to approve the following:

Walker Wood, Section 10, Part 1

Situated in the State of Ohio, County of Delaware, Township of Orange, and in Farm Lot 23, Quarter Township 4, Township 3, Range 18, United States Military Lands, containing 16.125 acres of land, more or less, said 16.125 acres being comprised of part of tracts of land conveyed to PLANNED COMMUNITIES, INC. by deeds of record in Deed Book 618, Page 365, (15.758 acres), Deed Book 618, Page 564, (0.367 acre), all being

Harvest Wind, Phase 4

Situated in the Township of Genoa, County of Delaware, and State of Ohio, being part of Farm Lots 3 and 4, Section 4, Township 3, Range 17, United States Military Lands. Being a 26.476 Acre Subdivision, consisting of: all of a 5.881 Acre Tract (out of Farm Lot 3), all of a 9.894 Acre Tract (out of Farm Lot 3) and 10.701 Acres (4.968 Acres out of Lot 3 and 5.733 Acres out of Lot 4), out of an original 20.820 Acre Tract, all Tracts being conveyed to Romanelli and Hughes Building Company, an Ohio Corporation and recorded in official record 5, Pages 2438-2453. References being to the records of the Recorder's Office, Delaware County, Ohio. Lot fee in the amount of \$117.00.

Sherbrook, Phase 5

Situated in the State of Ohio, County of Delaware, Township of Genoa, being part of Farm Lots 2, 8, 3, Quarter Township 3, Township 3, Range 17, United States Military Lands, containing 27.217 acres, more or less, (including 6.656 acres of right-of-way), being 27.217 acres out of a 100 Acre Tract conveyed to Tussic Road Associates by Deed of record in Deed Volume 653, Pages 145 thru 146, records of the Recorder's Office, Delaware County, Ohio. Lot fee in the amount of \$216.00.

Madama Butterfly Subdivision

Situated in the Township of Orange, County of Delaware, State of Ohio and being part of Farm Lot 1, Quarter-Township 2, Township 3, Range 18, in the United States Military Lands. Being a resubdivision of Dixon Subdivision, Plat Book 17, Page 151, and being all of Lot 711 owned by James M. & Marsha McEvoy, husband and wife, as recorded in Deed Book 635, Page 19, and all of Lot 710 owned by Daniel R. & Sharon M. Spohn, husband and wife, as recorded in Deed Book 575, Page 468 in the Delaware County Recorder's Office. Lot fee in the amount of \$9.00.

Ditch Maintenance Petition – Sherbrook, Phase 5

We the undersigned owners of 27.217 acres in Genoa Township, Delaware County, Ohio propose to create a subdivision known as Sherbrook, Phase 5 as evidenced by the subdivision plant (Exhibit "A" which is available s Office). This plat has been approved and signed by the Delaware County Regional Planning Commission and the Delaware County Engineer. Drainage improvements related to this subdivision have been constructed (or are bonded and will be constructed within a period of one year as evidenced by the Subdivider's agreement Exhibit "B" available at the County Engineer's Office). In accordance with Section 6137 of the Ohio Revised Code, we (I) hereby request that the improvements delineated on Exhibit "C" (available at the County Engineer's Office), be accepted as part of the County Ditch Maintenance Program and that an annual maintenance assessment be collected with the Real Estate Taxes for each lot in the subject subdivision to cover the cost of current and future maintenance of the improvements.

We (I) represent 100% of the property owners to be assessed for maintenance related to this drainage improvement.

We (I) hereby waive our rights to a public viewing and hearing and ask that your board approve this action in conjunction with the approval of the Sherbrook, Phase 5 subdivision..

The cost of the drainage improvements is \$137,091.15 and a detailed cost estimate is available at the County Engineer's office in Exhibit "D". The drainage improvements are being constructed for the benefit of the lots being created in this subdivision. Seventy-two lots are created in this plat and each lot receives an equal share of the benefit (cost) of the project. The basis for calculating the assessment for each lot is therefore, \$1,904.04 per lot. An annual maintenance fee equal to 2% of this basis \$38.08 will be collected for each lot. I understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year's assessment for all of the lots in the amount of \$2,741.82 has been paid to Delaware County.

Easements to provide for the maintenance of the improvements have been provided on the plat.

**COMMISSIONERS JOURNAL NO. 40 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 3, 2000**

Vote on Motion Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

RESOLUTION NO. 00-08

IN THE MATTER OF ACCEPTING MAINTENANCE BOND FOR WALKER WOOD, SECTION 10, PART 1:

It was moved by Mr. Ward, seconded by Mrs. Martin to approve the following.

Walker Wood, Section 10, Part 1

The roadway construction of the above referenced subdivision and, as the result of a recent field review, the County Engineer has determined that minor remedial work will be required during the year 2000 construction season.

In accordance with the Subdivider's Agreement, we recommend that the maintenance bond be set at \$46,300.00 for the duration of the one year maintenance period. A Letter of Credit in that amount has been submitted.

Vote on Motion Mrs. Martin Aye Mr. Wuertz Aye Mr. Ward Aye

RESOLUTION NO. 00-09

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

It was moved by Mrs. Martin, seconded by Mr. Ward to approve the following:

<i>Permit #</i>	<i>Applicant</i>	<i>Location</i>	<i>Type of Work</i>
2320	Sprint Telephone	Miller Paul Road	Place telephone cable
2355	Columbia Gas	Dornoch Estates Section 2	Install gas main
2356	Columbia Gas	Tartan Fields Phase 17	Istall gas main
2357	General Telephone	Shoemaker Road	Place telephone cable
2358	Del-Co Water	Trenton Road	Install waterline
2359	Sprint Telephone	Plumb Road	Place telephone cable
2360	Del-Co Water	McCurdy Road	Install waterline
2361	Sprint Telephone	Romes Corner Road	Place telephone cable

Vote on Motion Mr. Wuertz Aye Mr. Ward Aye Mrs. Martin Aye

RESOLUTION NO. 99-10

IN THE MATTER OF APPROVING RE- BID OPENING DATE FOR VARIOUS SIZES REINFORCED BOX CULVERTS AND VARIOUS SIZES OF 3-SIDED FLAT TOPPED CONCRETE CULVERTS:

It was moved by Mr. Ward, seconded by Mrs. Martin to approve the re-bid opening date and time for **Monday, January 24, 2000, at 10:00 AM.**

Vote on Motion Mrs. Martin Aye Mr. Wuertz Aye Mr. Ward Aye

RESOLUTION NO. 00-11

IN THE MATTER OF APPROVING THE AGREEMENT BETWEEN SOIL & WATER CONSERVATION DISTRICT, COUNTY ENGINEER'S OFFICE AND COUNTY COMMISSIONERS FOR THE MAINTENANCE OF COUNTY DITCHES:

It was moved by Mrs. Martin, seconded by Mr. Ward to approve the following agreement:

On this 3 day of January, 2000, this agreement was entered into by and between the Delaware Soil and Water, Conservation District, State of Ohio, hereinafter called the District; the Delaware County Board of Commissioners, State of Ohio, hereinafter called the Commissioners; and the Delaware County Engineer, hereinafter called the Engineer.

STATEMENT OF PURPOSE

The District, the Commissioners, and the Engineer have the common objective of cooperatively bringing about the administration and maintenance of drainage improvements within Delaware County. They, therefore, enter into this agreement as the foundation for an enduring cooperative working agreement for the administration and maintenance of drainage projects as established under the provisions of the Ohio Drainage Law, Chapter 6137, Ohio Revised Code.

**COMMISSIONERS JOURNAL NO. 40 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 3, 2000**

WHAT THE DISTRICT WILL DO

The District will provide needed personnel to carry out the maintenance program, upon receipt of notification that sufficient Ditch Maintenance Funds are available to do so.

The District will make annual inspections on all ditches under maintenance assessment and file a report with the Engineer by April 1st, annually, for the Engineers use in making his recommendation to the Commissioners by June 1st of each year, in accordance with Section 6137.06, Ohio Revised Code.

The District will make assessment adjustment recommendations in its inspection report to the Engineer, in accordance with Section 6137.11, Ohio Revised Code.

The District will cooperate with adjacent counties on joint maintenance and assessment agreements.

The District will carry out all needed improvements under the maintenance program as provided for under the Ohio Drainage Law, Chapter 6137, Ditch Maintenance Fund, Ohio Revised Code.

The District will provide certificates for reduction in annual maintenance assessments as provided for under section 6137.09, Ohio Revised Code.

The District will view all applications for reduction in maintenance allowance according to Section 6137.08 of the Ohio Revised Code and will make recommendations to the Engineer.

The District will file a report by February 1st, annually, with the Commissioners, Engineer, Treasurer, and the Auditor of the maintenance activities during the calendar year.

The District will include in its annual budget request to the Commissioners, funds needed for equipment, supplies, and personnel to carry out the maintenance program under Chapter 6137, Ohio Revised Code. The budget requests shall be filed by October 1ST of each year.

The District will, in accordance with Section 6137.14, Ohio Revised Code, report any findings to the Engineer.

The District will keep complete records of all expenditures and properly submit, to the Clerk of the Commissioners, reports on all charges for maintenance work if requested by the Commissioners.

The District will submit all plans for maintenance to the Engineer and Commissioners for recommendations and approval.

The District will act as a technical resource in assisting with new petition ditches.

The District's Ditch Maintenance Supervisor will check petitioned ditches both during and at the completion of construction under the supervision of the Engineer. This will enable the Maintenance Supervisor to be familiar with the project when maintenance responsibilities are assumed.

The District will make six (6) year reviews of ditch maintenance bases and revise them, subject to the Engineer's approval, prior to the hearing by the Commissioners. A representative of the District shall be present at the hearing scheduled by the Commissioners with the property owners.

The District will carry adequate vehicle and liability insurance for protection from damage actions resulting from maintenance activities.

A copy of the inventory list will be given to the Engineer at the same time that a copy is given to the Commissioners.

WHAT THE COMMISSIONERS WILL DO

The Commissioners will make available County Ditch Maintenance Funds to the District as requested in the Annual Maintenance budget, for needed equipment, supplies, personnel, and contractual services to carry out the Ditch Maintenance provisions of the Ohio Drainage Law, in accordance with the O.R.C., sections 6137.05 and 6137.06.

The Commissioners will refer any questions from landowners regarding maintenance to the District.

The Clerk of the Commissioners will notify by certified mail the adjoining counties of the percent to be collected on joint ditches for the current maintenance year as applicable.

The Commissioners will require, as allowed by law, a minimum easement of twenty (20) feet and maximum of eighty (80) feet, varying with depth of tile, determined by the Engineer, for maintenance on all property that the drainage outlet crosses on rural home development projects. This area will be kept free of all permanent

COMMISSIONERS JOURNAL NO. 40 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 3, 2000

improvements, trees, etc. that would obstruct maintenance equipment in the event that repairs are needed.

When a maintenance improvement is made necessary in whole or in part by the negligent acts or omissions of any landowner, the Commissioners will contact said landowner by letter stating the circumstances surrounding the maintenance needed and provide him/her the opportunity to make the required improvement. Any questions regarding improvements will be referred to the District.

Equipment and property purchased by ditch maintenance funds to service this agreement shall be returned to the Commissioners on termination of this agreement.

WHAT THE ENGINEER WILL DO

The Engineer will delegate to the District his operational duties in carrying out the Ditch Maintenance Program as provided under Chapter 6137, Ditch Maintenance, Ohio Revised Code.

The Engineer will receive and review all maintenance inspection reports in accordance with Section 6137.06, Ohio Revised Code.

The Engineer will notify the District of any newly petitioned ditches and request their involvement in the petition process.

The Engineer shall provide the District with a copy of the watershed map, and list of landowners within the boundaries of a newly petitioned ditch project.

The Engineer will notify the District of any petitioned ditches under construction and request their assistance in inspections.

The Engineer will refer any questions from landowners regarding the maintenance program to the District.

The Engineer will review, for his recommendations and approval, all maintenance plans.

IT IS MUTUALLY AGREED BY ALL

The District, Commissioners, and Engineer will meet periodically, as needed, to review and, where possible, coordinate their individual programs and activities for the maximum mutual benefit.

This agreement may be amended or terminated at any time by mutual consent of the parties hereto, or may be terminated by any party giving sixty (60) days notice in writing to the others.

If this contract is not terminated within one (1) year, then it shall automatically renew itself for another year, and for each year thereafter.

Vote on Motion Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

RESOLUTION NO. 00-12

IN THE MATTER OF ACCEPTING AND AWARDED THE BIDS FOR REINFORCED CONCRETE PIPE; GALVANIZED PIPE; TREATED BRIDGE FLOORING; CONTRACT HAULING; READY MIX CONCRETE; ROLLED STEEL SHAPES AND REINFORCING STEEL; LIMESTONE AND BITUMINIOUS COLD MIX; CORRUGATED POLYETHYLENE TUBING AND PIPE; STEEL BEAM BRIDGES (DESIGN / BUILD); 3-SIDED ARCH CULVERTS AND GUARDRAIL (MATERIALS / INSTALLATION):

It was moved by Mr. Ward, seconded by Mrs. Martin to approve the following resolution:

Whereas, Delaware County went out to bid and bids were taken on December 13, 1999, and

Whereas, after carefully reviewing the bids received, the bids submitted by the companies listed, has been determined to be the lowest and best bid;

Now Therefore Be It Resolved, by the Board of Commissioners, Delaware County, State of Ohio, approve and accept the bids as listed below:

Reinforced Concrete Pipe:

We recommend that an exclusive award be made to CSR Hydro Conduit

Galvanized Pipe:

We recommend that an exclusive award be made to Contech Construction Products

COMMISSIONERS JOURNAL NO. 40 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 3, 2000

Treated Bridge Flooring:

We recommend that an exclusive award be made to Ohio Bridge Corporation

Contract Hauling:

We recommend that a non-exclusive award be made to Henderson Trucking

Ready Mix Concrete:

We recommend that an exclusive award be made to Del Mar Concrete

Rolled Steel Shapes and Reinforcing Steel:

We recommend that an exclusive award be made to Superior Steel

Limestone and Bituminous Cold Mix:

We recommend that a non-exclusive award be made to Martin Marietta

Corrugated Polyethylene Tubing and Pipe:

We recommend that a non-exclusive award be made to Cashman

Steel Beam Bridges (design/build):

We recommend that an exclusive award be made to Ohio Bridge Corporation

3-Sided Arch Culverts:

We recommend that an exclusive award be made to BridgeTek

Guardrail (materials/installation):

We recommend that a non-exclusive award be made to Superior Steel and Paul Peterson Company

Vote on Motion Mr. Wuertz Aye Mr. Ward Aye Mrs. Martin Aye

RESOLUTION NO. 00-13

IN THE MATTER OF THE IMPROVEMENT OF ADAMS ROAD THE HARLEM TOWNSHIP TRUSTEES AND DELAWARE COUNTY ENGINEER ESTABLISHED SUMS FOR COMPENSATION AND DAMAGES FOR A PORTION OF THE OWNERS:

It was moved by Mr. Ward, seconded by Mrs. Martin to delay the ruling on this resolution until January 10, 2000, meeting.

Vote on Motion Mrs. Martin Aye Mr. Wuertz Aye Mr. Ward Aye

RESOLUTION NO. 00-14

IN THE MATTER OF APPROVING SPECIFICATIONS AND SETTING BID OPENING DATE FOR TRANSPORTATION SERVICES FOR THE DEPARTMENT OF HUMAN SERVICES:

It was moved by Mrs. Martin, seconded by Mr. Ward to approve specification and set bid opening date for transportation services as follows:

Whereas, the Delaware County Department of Human Services is required, pursuant to various program Requirements, to provide transportation services to certain clients for transport to medical, employment and training, and social services appointments: and,

Whereas, the annual cost of these services and other requirements exceed thresholds established in 7 CFR Part 277.14, 45CFR Part 74, and ORC Sections 307.87 and 307.90 and are, therefore, subject to public bidding requirements;

Now Therefore, Be It Resolved that the Board, hereby, authorizes and directs that notice of an Invitation to Bid for transportation services for the Department of Human Services be published as required by law with a deadline for receipt of bids of January 24, 2000, until 10:15 AM;

**COMMISSIONERS JOURNAL NO. 40 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 3, 2000**

Be It Further Resolved that bids received by the deadline will be opened at the offices of the Board, 101 North Sandusky Street, Delaware, Ohio, in regular session of the Board on **January 24, 2000, at 10:15 AM.**

Vote on Motion Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

RESOLUTION NO. 00-15

IN THE MATTER OF ADOPTION OF RESOLUTION ESTABLISHING NEW RATE SCHEDULE FOR PUBLIC DEFENDER CASES AND REPEALING OLD RATE SCHEDULE EFFECTIVE JANUARY 1, 2000:

It was moved by Mrs. Martin, seconded by Mr. Ward to adopt the following:

WHEREAS, Delaware County recognizes its responsibility under the laws of the State of Ohio and the United States of America to provide legal counsel for indigent individuals charged with serious offenses in the Courts of Delaware County, and

WHEREAS, the County Commissioners of Delaware County have chosen to utilize an assigned counsel system under the authority of the Ohio Revised Code, Section 120.33 and

WHEREAS, the following represents the schedule of fees set by the County Commissioners pursuant to Ohio Revised Code Section 120.33 and

WHEREAS, the following represents the schedule fees set by the County Commissioner pursuant to Ohio Revised Code Section 120.33 and Section 2941.51.

NOW, THEREFORE, BE IT RESOLVED that pursuant to the Ohio Revised Code Section 120.33 and Section 2941.51 the following plan is adopted for use by the Courts within Delaware County.

- I. All counsel eligible for payment under this schedule be appointed by a Judge of the Delaware Municipal Court, or the Delaware County Courts of Common Pleas and said appointment shall be entered by signed journal entry filed with the Clerk of the respective court.
- II. Trail Level Procedures:
 - 1. Reimbursement for representation in trial level cases NOT INVOLVING A DEATH PENALTY SPECIFICATION will be made based on the maximum rate of \$50.00 per hour for out-of-court services and \$60.00 per hour for in-court services.
REIMBURSEMENT FOR REPRESENTATION IN TRIAL LEVEL CASES INVOLVING A DEATH PENALTY SPECIFICATION WILL BE MADE BASED ON THE MAXIMUM RATE OF \$60.00 PER HOUR FOR BOTH IN-COURT AND OUT-OF-COURT SERVICES.
 - 2. The prescribed maximum fees permitted in trial level proceedings are:

Offense / Proceeding	Fee Maximum
Aggravated Murder (w/specs) Per O.R.C. 2929.04(A) and 2941.14(B) *Ohio Supreme Court Rule20 of the Rules of Superintendence FOR THE COURTS OF OHIO required the appointment of two (2) attorneys in capital offense cases. This fee is the maximum that will be paid on the combined bills of both attorneys appointed to the case.	\$40,000.00*
Aggravated Murder (w/o Specs)	\$ 6,000/ 1 attorney \$ 8,000 / 2 attorneys
Murder	\$ 3,000.00
Felony with possible Life Sentence/Repeat Violent Offender / Major Drug Offender	\$ 5,000.00
Felonies (degrees 1-3)	\$ 2,000.00
Felonies (degrees 4 & 5)	\$ 1,500.00
Misdemeanors (degrees 1-4)	\$ 750.00
Contempt of Court	\$ 200.00
Parole, Probation, and all other proceedings Not elsewhere classified	\$ 500.00
 - 3. Reimbursement for guilty or no contest pleas will be made based on the maximum rate of \$50.00 per hour for out-of-court services and \$60.00 per hour for in-court services up

COMMISSIONERS JOURNAL NO. 40 - DELAWARE COUNTY
 MINUTES FROM REGULAR MEETING HELD JANUARY 3, 2000

to the prescribed maximums for each classification.

III. Juvenile Proceedings

1. Reimbursement for representation in juvenile proceedings will be made based on the maximum rate of \$50.00 per hour for out-of-court services and \$60.00 per hour for in-court services.
2. In abuse, dependency and neglect cases, both the attorney and the guardian *ad litem* are entitled to bill the maximum fee allowed by the county for the initial dispositional hearing and each subsequent review hearing before the court.
3. The prescribed maximum fee permitted in juvenile proceedings, including guardian *ad litem* is \$1,000.

IV. Appellate Level Proceedings

1. Reimbursement for representation in appellate level proceedings not involving a death sentence shall be made based on the maximum rate of \$50.00 per hour for out-of-court and \$60.00 PER HOUR for in-court services.
2. Reimbursement for representation of appellate level proceedings involving a death sentence will be made based on the maximum rate of \$60.00 per hour for both out-of-court and in-court services.
3. The prescribed maximum fees permitted in appellate level proceedings are listed below. The rates apply to each level of appeal

Offense/Proceeding	Fee Maximum
Aggravated Murder (death sentence imposed)	\$10,000.00*
Aggravated Murder (sentence other than death)	\$ 4,000.00
Murder with Life Sentence/ Repeat Violent Offender / Major Drug Offender/ Sexually Violent Predator	\$ 1,500.00
Felonies/S.B. 2 & H.B. 1 APPEALS	\$ 1,000.00
Misdemeanors	\$ 750.00
Other / Juvenile	\$ 1,000.00

*Ohio Supreme Court Rule 21 of the Rules of Superintendence FOR THE COURTS OF OHIO requires the appointment of two (2) attorneys in capital cases. This fee is the maximum that will be paid on the combined bills of both attorneys appointed to the case.

V. Post Conviction and Habeas Corpus Proceedings

1. Reimbursement for postconviction and state habeas corpus proceedings not involving a death sentence will be made based on the maximum rate of \$50.00 per hour for out-of-court services and \$60.00 per hour for in-court services.
2. The prescribed maximum fees permitted in postconviction and habeas corpus proceedings not involving a death sentence are:

Offense/Proceeding	Fee Maximum
Postconviction Proceeding with Evidentiary Hearing	\$ 1,000.00
Postconviction Proceeding without Evidentiary Hearing	\$ 500.00
Habeas Corpus with Evidentiary Hearing	\$ 1,000.00
Habeas Corpus without Evidentiary Hearing	\$ 500.00

3. Reimbursement for postconviction and state habeas corpus proceeding involving a death sentence shall be made based on the maximum rate of \$60.00 per hour for both out-of-court and in-court services to a maximum of \$10,000.00 for each stage of the postconviction or habeas corpus proceeding,

VI. Minimum Compensation

**COMMISSIONERS JOURNAL NO. 40 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 3, 2000**

Compensation to assigned counsel shall not be less than the following amounts for the following offense classifications:

- | | |
|--|-----------|
| 1. Non-aggravated Murder and/or nonmurder felonies | \$ 500.00 |
| 2. Misdemeanor | \$ 200.00 |
| 3. Juvenile proceedings | \$ 200.00 |
| 4. Postconviction Hearings | \$ 200.00 |

VII. Extraordinary Fees

Cases eligible for extraordinary fees are ones which, because of extraordinary complex issues, multiple offenses, lengthy trials, or other reasons, warrant compensation at a rate which exceeds the maximums established by this Resolution.

Additional compensation shall be made for extraordinary expenses when approved by the Court. The attorney's certificate when submitted to the Court for approval shall include a separate written statement with the specific amount of the fee, the time involved and an indication of the nature of the complexity of the issues involved, the existence of any multiple offenses, the length of trial and other necessitating circumstances.

VIII. Compensation for Reasonable Expenses

Compensation for reasonable expenses associated with providing representation shall be made when submitted on the attorney's fee certificate (OPD-1026R) and approved by the trial judge. Allowable expenses include, but are not limited to, such items as expert witness fees, polygraph examination costs, investigation costs, long distance telephone calls, copying, parking and mileage expenses, meal expenses and other necessary items as approved in the discretion of the Court.

IX. Application for Assigned Fees

Each assigned counsel, prior to receiving compensation hereunder, shall submit to the assigning court a legible, fully completed Application for Assigned Counsel Fees with an accurate itemization of hours of representation performed in-court and out-of-court, and where elsewhere required the itemization of expenses and supporting statements. Such submissions shall be within the time limits established by the Ohio Public Defender Commission.

X. Effective Date

This Resolution is effective for assignments of counsel made on and after January 2, 2000, and the former rate schedule hereby repealed effective January 3, 2000.

XI. This resolution will be reviewed by the Commissions in the month of July of the year 2000.

Vote on Motion Mrs. Martin Aye Mr. Wuertz Aye Mr. Ward Aye

RESOLUTION NO. 00-16

IN THE MATTER OF AUTHORIZING EXECUTION OF CONTRACT WITH DAN CURTIS FOR APIARY INSPECTION SERVICES:

It was moved by Mr. Ward, seconded by Mrs. Martin to authorize execution of the following:

This contract is made this 3rd day of January, 2000, by and between Delaware County by the Delaware County Commissioners and Dan Curtis, the Contractor.

1. Delaware County requires the services of an Apiary Inspector for calendar year 2000.
2. Dan Curtis, contractor, agrees to provide the services and supplies necessary to perform the tasks as determined by the Commissioners including and limited to providing those services pertaining to apiary Inspections.
3. For the services performed by Dan Curtis, the Commissioners agree to pay him a stipend computed on a monthly basis in the amount of \$571.42, not to exceed \$4,000.00.
4. The relationship of the County and the County Commissioners to Dan Curtis, shall be that of an independent contractor and Mr. Curtis shall be responsible for all Federal, State and Local, and Social Security taxes and all insurance and all workers compensation obligations.

**COMMISSIONERS JOURNAL NO. 40 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 3, 2000**

- 5. Either party may terminate this contract by providing the other party 60 day advance notice.
 - 6 This contract constitutes the entire agreement between the parties with respect to the subject matter hereof and may not be modified, changed or amended except in writing signed by each of the parties.
- Vote on Motion Mr. Wuertz Aye Mr. Ward Aye Mrs. Martin Aye

RESOLUTION NO. 00-17

7:30 PM – IN THE MATTER OF PUBLIC HEARING OF SHERWOOD DITCH:

Mr. Wuertz opened the hearing at 7:30 PM.

Mr. Bauserman presented his report. His recommendation being to move forward with Alternate A. There was a brief exchange of questions and answers between Mr. Bauserman and property owners.

It was moved by Mr. Ward, seconded by Mrs. Martin to close the public hearing at 8:09 PM.

**IN THE MATTER OF COMMISSIONERS’ FINDING AFFIRMING ORDER,
CONFIRMING THE ASSESSMENTS, AND ORDERING THE LETTING OF THE CONTRACTS:**

In the matter of the Single County Ditch No. 125, Delaware County, Ohio Petitioned for by Gary Buechel and others on May 17, 1999.

The Board of County Commissioners of Delaware County, Ohio, met in Regular Session on the 3rd day of January, 2000 with the following Board members present: Deborah Martin, James D. Ward and Donald Wuertz.

Mr. Ward moved for the adoption of the following resolution:

- WHEREAS, this being the day fixed by said Board in the order dated the 18th day of October, 1999, for the final hearing on the Reports, Plans, and Schedules of the County engineer, on the estimated assessments, on claims for compensation or damages and on the proceedings for the improvement.
- WHEREAS, The Board finds that due and legal notice of this final hearing has been given as required by law; and
- WHEREAS, The Board has heard all the evidence offered in the proceedings and received and considered all the schedules, plans, and reports filed by the County Engineer:
- WHEREAS, this Board has considered the cost of location and construction, the compensation for land taken, the effect on land along or in the vicinity of the route of the improvement, the effect on land below the lower terminus of the improvement that may be caused by constructing the improvement, the sufficiency of the outlet, the benefits to the public welfare, and the special benefits to land needing the improvement, etc.;
- THEREFORE BE IT RESOLVED, that the Board hereby approves the maps, profiles, plans, schedules and reports for Alternate A prepared by the Delaware County Engineer, and
- FURTHER BE IT RESOLVED, That once the water shed is confirmed, the Delaware County Engineer’s estimated assessments are hereby approved and confirmed, and the Engineer is ordered to receive bids for the construction of the improvement, and
- FURTHER BE IT RESOLVED, ; That county general funds be used to pay for the improvement, and that five years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited, to pay the assessments that may be made for the improvement, and no interest shall be charged on the installments, and
- FURTHER BE IT RESOLVED, The County Engineer is hereby directed to prepare the necessary bid documents and legal advertisements; and
- FURTHER BE IT RESOLVED, That the County Engineer be and he is hereby directed to give at least two weeks public notice as required by law of the time when and the place where bids will be received for furnishing any material for the improvement , or for the construction of the improvement, or any part thereof, and in case manufactured material is required for the construction of the improvement, the County Engineer is hereby directed to send copies of the notice by mail to dealers and manufacturers and all bids shall be received at 101 North Sandusky Street, (Carnegie Library Building).

COMMISSIONERS JOURNAL NO. 40 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 3, 2000

Mrs. Martin seconded the motion and the vote is as follow:
Vote on Motion Mrs. Martin Aye Mr. Wuertz Aye Mr. Ward Aye

RESOLUTION NO. 00-18

8:00 PM - IN THE MATTER OF ANNEXATION HEARING FOR 3.09 ACRES IN ORANGE TOWNSHIP TO CITY OF COLUMBUS:

Mr. Wuertz Opened the hearing at 8:23 PM.

Those wishing to speak were sworn to truthful presentations by the Court Recorder. Ms. Judith Edwards, agent for the petitioner gave a brief presentation on the annexation.

Mr. Wuertz pointed out that the resolution of services from the City of Columbus did not state the City will supply the same or better services to this area to be annexed that they currently supply to other areas of the City. He noted in the past he has requested this be added to their resolution, and he feels this annexation should not be granted until this correction is made.

Mrs. Martin moved to suspend the hearing, and Mr. Ward seconded the motion.

Vote on Motion Mr. Wuertz Aye Mr. Ward Aye Mrs. Martin Aye

There being no further business, the meeting adjourned.

Deborah Martin

James D. Ward

Donald Wuertz

Letha George, Clerk to the Commissioners

**COMMISSIONERS JOURNAL NO. 40 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 3, 2000**
