

COMMISSIONERS JOURNAL NO. 43 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JUNE 13, 2002

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

Present: Donald Wuertz, Deborah Martin, James D. Ward

PUBLIC COMMENT

RESOLUTION NO. 02-765

IN THE MATTER OF APPROVING RESOLUTIONS AND MINUTES FROM REGULAR MEETINGS HELD MAY 16 AND 20, 2002:

It was moved by Mr. Ward, seconded by Mr. Wuertz to dispense with the reading of the minutes and resolutions of the regular meetings held May 16 and 20, 2002 and to approve resolutions and minutes as submitted.

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

RESOLUTION NO. 02-766

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0610 AND CMAPR0611:

It was moved by Mrs. Martin, seconded by Mr. Ward to approve payment of warrants in Batch numbers CMAPR0610 and CMAPR0611 and Purchase Orders and Vouchers as listed below:

PO's

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
Cooperrider Farms	Renting of equipment	65211905-5380	\$ 14,940.00
Board of Building Standards	Commercial permit fee	10011301-2900	\$ 9,454.52
Nextel Communications	Nextel Phone Service	10011301-5330	\$ 14,698.40
Del Cty Economic Development	Admin Funds/Grant Water/Sewer	23011701-536536501	\$ 10,000.59
INCREASE			
AEP	Electric Power	66011913-533833802	\$ 7,000.00

VOUCHERS

Petroleum Traders	Gasoline/Diesel Fuel/Cty Comm	10011106-522822801	\$ 8,827.01
Franklin County Coroner	Autopsy	10030301-534234201	\$ 6,185.00
AEP	Electric Power	66011913-533833802	\$ 6,482.85
Cody Ziegler	Carnegie Library Renovation	40411410-541041003	\$ 92,802.54
Prudential Group Life & Disability	May LTD Premium	60211902-537037010	\$ 5,265.69
Tyeveco	Private Rehab/E. Eggar/Chip 99	23011703-536536515	\$ 12,082.50
	Private Rehab/E. Eggar/Chip 99/Termite Test	23011702-536536515	\$ 75.00
Ohio Water Development Authority	Bond-Interest	50111117-5720	\$ 37,443.93
Tyeveco	Bond-Principal	50111117-5725	\$ 181,801.38
	Private Rehab/E.Eggar/Chip 99	23011703-536536515	\$ 1,667.50
	Private Rehab/E.Eggar/Chip 99	23111709-536536515	\$ 3,500.00

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

RESOLUTION NO. 02-767

IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, RICHARD C. BRAHM, REQUESTING ANNEXATION OF 1.00 ACRE OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF POWELL:

It was moved by Mr. Ward, seconded by Mrs. Martin to acknowledge that on June 11, 2002, the Clerk to the Board of Commissioners received an annexation petition request to annex 1.00 acre from Liberty Township to the City of Powell.

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

RESOLUTION NO. 02-768

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Michael Schuiling has accepted the part-time position of Paramedic with the EMS Department; effective date July 3, 2002.

Jody Fortney has accepted the part-time position of Paramedic with the EMS Department; effective date July 3, 2002.

Justin McLaughlin has accepted the part-time position of Paramedic with the EMS Department; effective date July 3, 2002.

Laura Hansen has accepted the part-time position of Paramedic with the EMS Department; effective date July 3, 2002.

Elena Semos has accepted the part-time position of Paramedic with the EMS Department; effective date July 3, 2002.

Chad Kidd’s position with the OECC Department has been terminated; effective date May 31, 2002.

Scott Gaines has been promoted to the position of Maintenance Mechanic II with the Maintenance Department; effective date June 13, 2002.

Yun Kim has accepted the position of Custodian with the Maintenance Department; effective date June 17, 2002.

Jon Peebles has accepted the position of Custodian with the Maintenance Department; effective date June 24, 2002.

Shelby Webb has accepted the position of Custodian with the Maintenance Department; effective date July 1, 2002.

Sidra McNeely has accepted the part-time position of Intermediate with the EMS Department; effective date July 3, 2002.

Jo Tranchita has accepted the part-time position of Intermediate with the EMS Department; effective date July 3, 2002.

Zachary Wolfe has accepted the part-time position of Intermediate with the EMS Department; effective date July 3, 2002.

Thomas McKelvey has accepted the part-time position of Intermediate with the EMS Department; effective date July 3, 2002.

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

RESOLUTION NO. 02-769

IN THE MATTER OF EXECUTING A RENEWAL AGREEMENT WITH THE COUNTY
COMMISSIONERS ASSOCIATION OF OHIO SERVICE CORPORATION (CCAOSC) FOR
PARTICIPATION IN THE COUNTY COMMISSIONERS ASSOCIATION OF OHIO WORKERS
COMPENSATION GROUP RATING PLAN:

It was moved by Mrs. Martin, seconded by Mr. Ward to execute the renewal agreement:

Whereas, The Board of Commissioners of Delaware County has participated in the County
Commissioners Association of Ohio Workers Compensation Group Rating Plan since 1994,
and

Whereas, Delaware County has realized significant savings annually, and estimates savings of \$84,951 in
plan year 2003,

Therefore be it resolved, by the Board of Commissioners of Delaware County, State of Ohio, to execute a renewal
agreement with the County Commissioners Association of Ohio Service Corporation for
participation in the County Commissioners Association Of Ohio Workers Compensation Group
Rating Plan for plan year 2003.

AGREEMENT

COUNTY COMMISSIONERS ASSOCIATION OF OHIO
WORKERS’ COMPENSATION GROUP RATING PLAN AGREEMENT

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THIS AGREEMENT, dated as of July 1, 2002, is between CCAO Service Corporation ("CCAOSC"), an Ohio corporation, and the County of Delaware ("Participant"), a political subdivision of the State of Ohio.

Section I: INTRODUCTION

Section 4123.29 of the Ohio Revised Code (ORC), and the rules promulgated thereunder, permit the establishment of employer group rating plans in order to group the experience of employers for workers' compensation rating purposes. The County Commissioners' Association of Ohio ("CCAO") acting through CCAOSC, its Service Corporation, as sponsoring organization within the meaning of Section 4123.29 and the regulations associated with same, hereby establishes a group for the benefit of its membership for the purpose of obtaining a group rating pursuant to Section 4123.29, ORC. The terms and conditions for participation in the CCAO group rating plan are herein established.

A participating employer is hereafter referred to individually as a "Participant". Participating employers are collectively referred to as the "Group".

Section II: NAME

The name of the plan shall be the CCAO Worker's Compensation Group Rating Plan, hereafter referred to as the "CCAO Group Rating Plan" or the "Plan". The principal office of the CCAO Group Rating Plan shall be located at 37 West Broad Street, Suite 650, Columbus, Ohio 43215.

Section III: PURPOSE OF GROUP PLAN

The CCAO Group Rating Plan is intended to: (1) achieve lower workers' compensation rates for the Group, and (2) result in the establishment of safer working conditions and environments for each Participant.

Section IV: REPRESENTATIONS AND WARRANTIES CONCERNING ELIGIBILITY

1. CCAOSC, for itself and on behalf of CCAO, represents and warrants as follows:

1. CCAO was created more than two years prior to the date of application for Group coverage.
2. CCAO was formed for the purposes other than obtaining Group Workers' Compensation under Section 4123.29, ORC; rather it was formed for the purpose of, among other things, uniting the county commissioners of Ohio into an association to promote the best practices and policies in the administration of county government for the benefit of the people of the State of Ohio.
3. The business of the Group is substantially similar such that the policies which are grouped are substantially homogeneous.
4. The aggregate workers' compensation premiums of Group members are expected to exceed \$150,000 during the rating period covered by this Agreement.

2. The Participant represents and warrants as follows:

1. It has an Ohio Bureau of Workers' Compensation ("OBWC") policy number for counties and its account with OBWC is in good standing such that no outstanding premiums, penalties or assessments are due from it.
2. It is not a member of any other group for the purpose of obtaining workers' compensation coverage under Section 4123.29, ORC
3. That its 2001 calendar year payroll does not exceed \$50,000,000. Counties with a 2001 calendar year payroll of \$50,000,000 or more will not be eligible for membership in the Rating Plan. The maximum annual payroll amount shall be established annually by the CCAO Workers' Compensation Group Rating Plan Executive Committee, to reflect inflation and prevailing Ohio county payroll trends.

Section V: BASIC OBLIGATIONS OF PARTIES

Pursuant to Section I, hereof, CCAO, acting through CCAOSC, has established the CCAO Group Rating Plan.

1. CCAOSC shall:

- (1) Coordinate and administer the CCAO Group Rating Plan in accordance with this agreement.
- (2) File or cause to be filed all necessary applications with OBWC to obtain membership for the Participants in the CCAO Group Rating Plan; and
- (3) Perform such additional duties as are required of it by this Agreement.

2. The Participant shall:

- (1) Join and participate in the CCAO Group Rating Plan; and
- (2) Perform such additional duties and pay such fees and expenses as are required of it by this

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Agreement.

Section VI: PENALTY RATED PARTICIPANTS

Additionally, the participant recognizes that the inclusion of group members with a penalty modification detrimentally affects the group rate. Each year, CCAOSC, in cooperation with the administrator, shall analyze the projected experience modification of all prior year plan members. CCAOSC, in its sole discretion, may determine that a plan participant is not eligible for any subsequent year group plan and not renew said participant. Alternatively, CCAOSC, in its sole discretion, may create additional allocations or contributions of such participants, including the formation of a "Premium Discount Pool"

Effective June 1, 1999, a penalty rated county that has not previously participated in the Plan will not be eligible for membership in the Plan.

Section VII: PREMIUM DISCOUNT POOL PARTICIPANTS

Effective for the policy year commencing January 1, 1998, CCAOSC created a Premium Discount Pool. Prior year Participants projected to be in a penalty rating **must participate** in the CCAOSC Premium Discount Pool in order to remain in the Group Rating Plan. CCAOSC Premium Discount Pool participants are required to implement the **CCAO 10 Step Safety Plan for County Government**, and must submit an annual progress report to CCAOSC. However, enrollment in the Bureau of Workers' Compensation's Premium Discount Program (PDP) shall be at the discretion of the Participant. To enroll in the BWC's PDP, the Participant shall complete and submit directly to the BWC a "UA-5 Application For Premium Discount Program", and shall meet all requirements of the Bureau of Workers' Compensation for continued participation in the PDP.

The savings for participants in the Premium Discount Pool shall be determined as follows: A savings calculation will be made as if all Premium Discount Pool members had been included in the Group as filed with the OBWC, without deducting any discounts from the BWC's PDP program. Premium Discount Pool participants will receive the difference between a 10% reduction to their individual premium rate and the amount calculated as if the Participant was included in the Group program filed with the OBWC.

A penalty rated Participant who became penalty rated prior to January 1, 2002 will be eligible to participate in the Premium Discount Pool for a total of four years within a seven year period, during which they remain penalty rated or otherwise ineligible for Group membership. A penalty rated Participant who became penalty rated after January 1, 2002, may remain in the Premium Discount Pool for not more than three years within a five year period during which they remain penalty rated or otherwise ineligible for Group membership. A participant who is predicted to be penalty rated and is therefore removed from the Group and placed in the Premium Discount Pool, but their actual premium rate comes in as a credit ratio, will not have that year counted toward their maximum years of Premium Discount Pool eligibility.

Section VIII: RATE CONTRIBUTION AND REBATES

The participant understands that the group rate must be estimated in advance of the experience period and is based upon the most recent experience period, and that the actual group rate will vary depending upon multiple factors. The participant is solely responsible for any assessment of premiums owed to the OBWC. In no event shall CCAO, CCAOSC, the third party administrator, or other group members be held liable for premiums owed by the participant to the OBWC.

The participant understands the group rate is subject to change during and subsequent to the policy period, and all debit and credit adjustments processed by the OBWC will be the premium responsibility of the individual participant. In no event will CCAO, CCAOSC, the third party administrator, or the other group members be held liable for premiums owed by the participant to the OBWC resulting from subsequent rate revisions.

It is understood that in forming a group the OBWC will calculate a group rate for the CCAO Group Rating Plan which shall be applied uniformly to the members of the Group regardless of each Participant's individual rate. It is further understood that OBWC shall calculate premiums, as provided by law, multiplying the group rate (as described above) times each Participant's individual payroll.

In order to allocate the savings derived by formation of the Group, and to maximize the number of Participants in the Group, it is hereby agreed that annually the CCAOSC shall estimate the total savings which shall accrue to the Group through its formation which shall include the amount of savings for participants in the Premium Discount Pool (Section VII of this agreement). The CCAOSC shall notify each Participant of the estimated savings as well as the estimated rebates and/or additional billings required so that yearly budgeting may be facilitated on a timely basis for the Participants.

Upon receipt of the actual year-end payroll figures from each Participant, the CCAOSC shall calculate the total realized savings which shall accrue to the Group through its formation and collect rate contributions from and pay rate equalization rebates to the Group's various Participants. The Participants determined to be eligible for the group filing shall receive the share of the group savings which shall be equal to the total savings of all group members less Premium Discount reimbursements multiplied by the percentage found by dividing the Participants' individual payroll by the total payroll of all participating group members.

Premium Discount Pool participants shall receive the difference between a 10% reduction in their individual premium rate the amount determined as if the participant was included in the group program filed with the Ohio Bureau of Workers' Compensation. Individual payroll divided by the payroll of all plan members will be applied to the plan savings as if the participants were included in the group filing.

CCAOSC shall bill any rate contributions due from individual Participants no later than sixty (60) days following receipt by CCAOSC of the payroll report submitted by Participants to the OBWC. Bills for

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contributions are due and payable to CCAOSC within thirty (30) days of receipt. All rebate checks shall be paid to those Participants due rebates no later than ten (10) days from the date of receipt of all contributions due from individual Participants.

Section IX: ADMINISTRATIVE SERVICES

CCAOSC, with approval of the Group Executive Committee, shall retain the services of a third party administrator ("TPA") specializing in the administration of workers' compensation claims. Such designated TPA shall assist CCAOSC staff in the day to day management of the plan, prepare and file necessary reports for both OBWC and members, assist with loss control program, and other duties, (*excluding* claims-related matters, which shall be the responsibility of each individual Participant, as provided in the second paragraph of this Section IX) relating to the Plan's activities. The cost of these services shall be borne by the Participant in proportion of its workers' compensation premiums plus its contribution, or minus its rebate, as the case may be. CCAOSC shall bill the Participant for such services at such times as are determined by the Group Executive Committee, and the Participant shall remit payment to CCAOSC within thirty (30) days of its receipt of such bill.

Each Participant may at its sole expense, engage the services of an attorney, or other qualified TPA, or representative for claims-related matters, such as hearings before the respective state agencies.

In any event, the Participant agrees to inform CCAOSC, the Group, and the Group's TPA, at all times, of all claims which will affect the rating of the Group.

Section X: RISK MANAGEMENT SERVICES

The Participant acknowledges that one of the statutory requirements for a group rating program is a substantial improvement in accident prevention and safety training by the Group. The Participant shall make a good faith effort to maintain a safe working environment for its employees and to implement the Group's model safety and claims management program, which is attached hereto as Exhibit A. In addition, each Participant shall participate in and comply with any safety program or claims management procedure adopted by the Group Executive Committee. The costs for risk management services shall be allocated, billed and paid in the same manner as described in Section IX, above. The Participant may provide supplementary training and risk management consulting services to its employees at the Participant's sole expense.

CCAOSC reserves the right to require the participant to undergo an occupational safety and health audit of its premises. For such audits, the Participant shall have the option of (1) using a qualified private safety consultant of the Participant's choice, subject to CCAOSC's approval; or (2) requesting CCAOSC to arrange for an audit performed by the Ohio Division of Safety and Hygiene ("ODSH"). It is understood that the ODSH will perform an audit at no additional cost. However, if the Participant chooses to utilize a private safety consultant it shall do so at its own cost. A copy of the audit results and safety recommendations shall be provided to CCAOSC upon CCAOSC's request. The Participant and CCAOSC agree that if a private consultant is engaged by the Participant to perform an audit, the consultant will act as an independent agent, not subject to the direction and control of CCAOSC.

Section XI: GENERAL MANAGEMENT FEES

The Participant agrees to pay anticipated general management fees during the term of the Agreement, if any, as described and in the manner specified in Section IX, above.

Section XII: GROUP EXECUTIVE COMMITTEE

There is hereby established a Group Executive Committee, which shall consist of nine members. Two of said members shall be the President and the Treasurer of CCAOSC; the remaining seven members shall be representatives of the Participants, elected for the ensuing year by the Participants. No Participant shall have more than one member of the Group Executive Committee in any year, and each elected official shall be a county commissioner. However, any member may by written instrument appoint a designee, who need not be a county commissioner but shall be an officer or employee of the member county. A designee shall have the same powers as the appointing member.

The duties of the Group Executive Committee shall be:

1. To approve the selection of a TPA, as provided in Section IX hereof;
2. To review and approve proposed TPA fees, fees for risk management services, and general management fees, and to provide for the billing and collection thereof;
3. To determine ongoing eligibility of each Participant for continued participation in the Group; and
4. To perform such other acts and functions as may be delegated to it from time to time by the Group.

Section XIII: TERM OF AGREEMENT

Subject to the approval of the CCAO Group Rating Plan by the OBWC, the term of this Agreement shall commence on the date of execution hereof and shall be continuing and shall be applicable to all rating periods beginning January 1, 2003 and thereafter. CCAOSC may terminate this Agreement upon sixty (60) days written

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notice to the Participant. The Participant may terminate this Agreement so as not to be included in the CCAO Group Rating Plan for the next annual rating period provided sixty (60) days written notice of intent to withdraw from the CCAO Group Rating Plan is given to CCAOSC prior to the prescribed application deadline of OBWC, currently June 30 of the year prior to the applicable annual rating period. In any event, a Participant shall not be relieved of the obligation to pay any amounts owed for participation in the CCAO Group Rating Plan prior to withdrawal therefrom.

Section XIV: APPLICATIONS BY PARTICIPANT

Initial application of a Participant shall include: (1) properly signed and authorized copy of this Agreement; (2) properly executed and notarized OBWC Form AC-26, allowing CCAOSC or its TPA to represent the CCAO Group Rating Plan before OBWC. A Participant’s initial application shall also include a one-time membership fee in the amount of \$2,000. In order to remain in good standing, a Participant shall provide to CCAOSC annually prior to June 30 of each year: (1) a properly executed and notarized OBWC Form AC-26 and (2) an authorization letter for TPA/Risk Management Services (unless written exception has been obtained pursuant to Section IX and X above), allowing CCAOSC or its TPA to represent the CCAO Group Rating Plan.

Section XV: GENERAL PROVISIONS

CCAOSC shall strictly account for all funds collected and disbursed relating to the Group Rating Plan. All Group Rating Plan funds shall be strictly segregated from all CCAOSC activities relating to the operations and activities of CCAO’s property/casualty insurance pool or pools.

The Participant is solely responsible for any assessment of premiums levied by OBWC against it. Neither the CCAO Group Rating Plan nor its TPA shall be liable for any such charges.

If the Participant leaves the group, it will allow representatives of the Group to access its loss experience for a period of three (3) years following the last year of participation.

The Participant acknowledges that Group rate setting is solely the function of the OBWC. It is understood that such considerations as the “TM Calculation”, “Credibility Factor”, and “Loss Value Limitation”, shall be assigned by OBWC at the group, rather than the individual, level.

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

RESOLUTION NO. 02-770

IN THE MATTER OF AMENDING THE RESOLUTION WITH FRANKLIN COUNTY TO PARTICIPATE IN SUBMITTING AN APPLICATION FOR FUNDING UNDER THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT’S LEAD BASED PAINT HAZARD CONTROL PROGRAM:

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

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has published a Notice of Available Funds for funding under their Lead-Based Paint Hazard Control (LBPHC) Program; and

WHEREAS, funding for residential lead mitigation training and remediation activities is available through the LBPHC Program; and

WHEREAS, lead-based paint hazards are recognized to exist in the homes of many low-income families with children in Delaware County; and

WHEREAS, Franklin County is submitting an application on behalf of consortium with Delaware County with MORPC serving as grant administrator in order to apply, for \$1,989,000 in available grant funds for the two Counties; and

WHEREAS, the anticipated allocation to Delaware County from the grant would be 10 units at \$6,000 to \$15,000 per unit with the County required to provide 10% in matching funds, with Delaware County’s Revolving Loan Fund (RLF) being an eligible source of funding; and

NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED by the Board of Commissioners, County of Delaware, State of Ohio as follows:

Section 1: The Board of County Commissioners approves of Franklin County submitting a grant application for funding on its behalf, to include a request for funding for Delaware County, in order to participate in HUD’s Lead-Based Paint Hazard Control Program.

Section 2: Delaware County pledges to commit not to exceed \$20,000 of its Revolving Loan Fund for the costs associated with testing, rehabilitation, implementation, and administration of the Lead Hazard Control Program, provided the additional grant funding from HUD is awarded.

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

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RESOLUTION NO. 02-771

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR THE ECONOMIC
DEVELOPMENT DEPARTMENT:

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

TRANSFER OF APPROPRIATION

FROM:	TO:	AMOUNT:
23011701 - 530	23011703 - 530	\$ 45,000.00
CDBG Water/Sewer - Srvs & Chrs	CHIP Housing - Srvs & Chrs	

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

RESOLUTION NO. 02-772

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR THE
DEPARTMENT OF JOB AND FAMILY SERVICES CONTINGENT UPON APPROVAL OF THE
DATA BOARD:

It was moved by Mr. Ward, seconded by Mrs. Martin to approve the following contingent upon the approval of the DATA Board:

SUPPLEMENTAL APPROPRIATIONS

FUND NUMBER:	FUND NAME:	AMOUNT:
22411603 – 520	JFS/WIA - Mat & Sup	\$ 7,722.00

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

RESOLUTION NO. 02-773

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR PERSONNEL MATTERS:

It was moved by Mrs. Martin, seconded by Mr. Ward to adjourn into Executive Session at 9:55AM.

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

RESOLUTION NO. 02-774

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Ward, seconded by Mrs. Martin to adjourn out of Executive Session at 10:40AM.

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

There being no further business the meeting adjourned.

Deborah B. Martin

James D. Ward

Donald E. Wuertz