

COMMISSIONERS JOURNAL NO. 45 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JULY 22, 2004

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

Present: Kristopher W. Jordan, Deborah B. Martin, James D. Ward

PUBLIC COMMENT

RESOLUTION NO. 04-879

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD JULY 19, 2004 AS CONTAINED IN THE COUNTY'S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Ward, seconded by Mr. Jordan to approve the resolutions and records of the proceedings from regular meeting held July 19, 2004 as contained in the county's official electronic recordings of the proceedings.

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

RESOLUTION NO. 04-880

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0721 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0721:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve payment of warrants in batch numbers CMAPR0721, memo transfers in batch numbers MTAPR0721 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
PO's			
Decrease			
Small World Child Care, Inc.	Day Care	22411606-5348	\$ 6,000.00
Increases			
Leo & Ruth Zaborwoski	Board & Care	22511607-5350	\$ 3,065.00
Small World Child Care, Inc.	Day Care	22411610-5348	\$ 6,000.00
Vouchers			
Del City Schools/Board Of Education	Day Care	22411606-5348	\$ 6,501.50
Kindercare Neverland	Day Care	22411606-5348	\$ 21,115.00
AEP	Utility	10011105-533833802	\$ 16,730.69

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

RESOLUTION NO. 04-881

IN THE MATTER OF APPROVING AN AGREEMENT FOR HEALTH CARE SERVICES BETWEEN G. M. HEALTH SERVICES INC., AND THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO FOR HEALTH CARE SERVICES FOR INMATES AT THE JAIL AND SELECTED EMPLOYEES OF THE DELAWARE COUNTY JAIL AND SHERIFF'S OFFICE:

It was moved by Mr. Ward, seconded by Mr. Jordan to approve the agreement for health care services between G. M. Health Services Inc., and The Board Of Commissioners Of Delaware County, Ohio for health care services for inmates at the jail and selected employees of The Delaware County Jail And Sheriff's Office.

AGREEMENT FOR SERVICES BETWEEN G. M. HEALTH SERVICES INC., AND THE DELAWARE COUNTY JAIL

This Agreement is made and entered into this 22nd day of July, 2004, by and between G.M. Health Services, Inc., (hereinafter referred to as "G. M. Health") and the Board of Commissioners of Delaware County, Ohio, operators of the Delaware County Jail facility and the Sheriff of Delaware County, Ohio, (collectively hereinafter referred to as the "Jail").

WHEREAS, the Jail desires to enhance its existing health care services, in order to continue providing designated health care services to inmates of the Jail and,

WHEREAS, G.M. Health is willing to provide those services required by the Jail in accordance with the terms and conditions of this Agreement.

NOW THEREFORE, in consideration of the mutual promises herein contained, the parties agree as follows:

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ARTICLE I.

SERVICES TO BE PROVIDED BY G.M. HEALTH.

G. M. Health will provide the following services:

- A. Nursing Coverage. G.M. Health will provide on-site nursing services on the following schedule: two shifts per day (first and second shifts), seven (7) days per week; being 112 hours per week. All nurses will possess the following qualifications: registered nurses (RN's) or licensed practical nurses (LPN's) currently licensed to practice nursing in Ohio. G.M. Health shall provide documentation of the licensure and qualifications of all personnel providing services pursuant to this Agreement.
- B. Nursing Services. Nursing personnel shall perform the following services:
1. Health Appraisals. Perform an Appraisal for each inmate referred to the nurse within fourteen (14) days following arrival at the Jail. Appraisals shall include a review of those matters required to be assessed as set forth in the Ohio revised Code and any other administrative regulations, (e.g.: O.A.C. Section 5120:1-8-09). Appraisals will be performed on documentation provided by the Jail and approved by the Jail physician.
 2. Nursing Care. Following an Appraisal, provide appropriate nursing care according to the needs of the patient, Jail approved policies and procedures, and standing health care orders approved by the Jail Physician. Health care orders obtained from the inmate's personal physician may be carried out as approved by the Jail physician provided that the credentials of the personal physician are verified.
 3. Sick Call. A G.M. Health nurse will conduct sick call, a minimum of five (5) times per week and will be available at such time to receive inmate reports of medical complaints. The nurse will act upon such complaints and/or refer the complaint to the Jail physician.
 4. Documentation of Services and Confidentiality. G.M. Health personnel will document their services in an inmate's personal health record in a format approved by the Jail and by the Jail physician. Health records are to be considered confidential and accessible only to personnel designated by the Jail physician. Staff of the Jail may be advised of an inmates' health status when reasonably necessary for the health and safety of the inmate, other inmates or the Jail staff. Medical Records will be maintained in a locked room or in locked file cabinets with access available only as provided herein or as required by law.
 5. Request to Reassign Nurse. A Jail representative may request that G. M. Health remove a nurse from his/her assignment at the Jail. A request for removal shall, except in case of an emergency, be made in writing setting forth the specific facts and circumstances for the requested removal. In case of an emergency request, Jail shall provide the written request with documentation as soon as reasonably possible following the emergency. Ordinarily, Jail representatives will be expected to discuss any problems or concerns relative to a nurse with G. M. Health representatives prior to requesting the removal of a nurse, in an effort to resolve the concern. Examples of reasons for removal include, but are not limited to; failure to provide nursing care in accordance with applicable professional standards and the requirements of this Agreement, unprofessional conduct toward prisoners or Jail staff or Jail employees, any criminal act, being under the influence of illegal drugs or alcohol. If the parties are unable to resolve their differences, G. M. Health will assign another nurse to the Jail.
- C. Physician Services. G.M. Health will provide a qualified physician, licensed to practice medicine in the State of Ohio, who will provide services as follows:
1. Sick Call. A physician will be on-site one (1) hour per week to examine inmates and assess their health care needs. Time spent on telephonic consultations between G. M. Health nurses and physicians will not be deducted from required on-site physician visit time. The physician will also review Appraisals and health screenings that are made available to the physician and will initiate treatment when warranted. Inmates whose medical conditions cannot be appropriately treated at the Jail will be referred for services at outside medical facilities. The Jail physician will make such recommendation for referrals to the designated Jail representative(s), who will be responsible for obtaining further medical care on a timely basis.
 2. Schedule. The date and time of the physician visit will be coordinated between the parties. Should additional on-site physician services hours be required in the opinion of the physician, G.M. Health will request such additional time, subject to the approval of the Jail. The Jail may request that the physician be scheduled for additional time, which request G.M. Health will use its best efforts to meet.

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3. Consultation. Upon request of the Jail, the physician and/or G.M. Health will provide consultation to Jail representatives for the purpose of reviewing or revising the Jail's medical policies and procedures and treatment protocols. Fees for such consultations will be subject to the agreement of the parties.
- D. Consultation and Administration of Selected Health Services to Jail Employees. G.M. Health will provide selected health services for employees of the Jail and the Delaware County Sheriff's Department; including:
1. Administration of immunizations for Sheriff's department employees in compliance with local, state and federal regulations, including OSHA.
 2. Pre-employment and periodic health assessment for food service workers in compliance with local, state and federal regulations.
 3. Non-DOT Random Urine Drug Screening, in accordance with the Sheriff's office drug screen policy.
 4. Assistance with support staff and correction officer training in CPR, first aid, infection/communicable disease control, crisis intervention techniques and suicide management, recognition of abnormal inmate behavior and stress management for correction officers.
 5. Training of designated staff of the Jail in the administration of medications prescribed by the staff physician. Training shall consist of individual instruction and supervision of each staff member by the nurse in medication administration procedures. Trained, designated Jail staff members may perform medication administration in the event that the corrections' nurse is unavailable to administer medications to inmates.

ARTICLE II.

SERVICES TO BE PROVIDED BY THE JAIL.

The Jail will provide the following services and functions through its personnel and at its expense:

- A. Space, Security and Supplies. The Jail will provide adequate space for G.M. Health nurses to conduct health assessments and security during the assessment of inmates. The Jail is responsible for providing all medical equipment and supplies that the Jail determines are necessary in order to provide a proper level of services, in consultation with the Jail physician.
- B. Jail Medical Policies, Procedures and Protocols. Development of Jail medical policies and procedures, including policies for pharmaceutical management, will be submitted to the Jail physician for approval initially and subsequently upon revisions to such policies and procedures. Jail personnel may also request that G.M. Health assist in the development or periodic review of such policies and procedures. G.M. Health agrees to provide such consultation upon request, for an additional fee to be agreed upon by the parties.
- C. Health Screening. A health screening will be performed by corrections officers for all new inmates following arrival at the Jail. The screening will include those components as required by OAC 5120:1-8-09 (c). The health screening record will be made available to the G.M. Health nurse for review on the next regularly scheduled day.
- D. Pharmaceuticals. Provide for the acquisition of all medications prescribed for inmates on order of a physician or those over the counter medications that may be administered in compliance with the standing policies noted above, from a licensed pharmacy of the Jail's choice. It is understood that G.M. Health will not be responsible for providing medications.
- E. Admission of Inmate to Grady Memorial Hospital. In the event that an inmate is admitted to Grady Memorial Hospital, a corrections officer or deputy sheriff shall be available at the bedside of the inmate at all times to insure the care and safety of other patients and to insure that there is no interference with hospital operations. The officer may be dismissed if it is agreed by the Jail and the Hospital representative that the presence of the inmate will not pose a danger to patients' safety or Hospital security.

ARTICLE III.

COMPENSATION TO G.M. HEALTH.

Compensation will be paid to G.M. Health for all services provided as follows:

- A. Nurse Services. G.M. Health will be compensated for the services of nurses at the rate of \$34.50 per hour for the first one hundred twelve (112) regularly scheduled hours per week. Hours in excess of one hundred and twelve (112) total hours will be billed at time and one-half. In no event will the Jail be

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responsible for overtime compensation for any nurse unless the Jail receives more than one hundred and twelve (112) hours per week of services.

- B. Physician Services. One hour of physician services is included within the fees provided for above. Compensation for additional physician service hours in excess of one (1) hour per week will be billed at one hundred thirty dollars (\$130) per hour or prorated at a portion of an hour in 15 minute increments.
- C. Additional Consultation Services. Fees for additional consultation services and administration of selected health services to jail employees requested by the Jail will be as agreed upon by the parties.
- D. Independent Contractor Status. For purposes of this Agreement, G.M. Health Services, together any nurses and physicians employed by G.M. Health, will serve as an independent contractor to the Jail. As such, G.M. Health is responsible for all charges, premiums and taxes, if any, payable on any funds it may receive as result of this Agreement on behalf of its nurses and physicians, including, without limiting the generality of the foregoing, Social Security, income and withholding taxes; unemployment insurance taxes; unemployment compensation funds; compensation insurance; and income taxes.

Each party agrees to accept and is responsible for its own acts and omissions and those of its employees and agents in providing services pursuant to this agreement and nothing in this agreement shall be construed to place any such responsibility or liability for such acts or omissions onto the other party. G.M. Health agrees, at all times during the term of this agreement, to maintain professional liability insurance insuring itself and its employees and agents providing services pursuant to this agreement and to furnish proof thereof to jail.

- E. Payment to G.M. Health. G.M. Health will invoice the Jail on a monthly basis for services provided by its nurses and physicians. Payment is due within 30 days of the date of the invoice.

ARTICLE IV.
TERM AND TERMINATION.

This Agreement shall be for a term of one (1) year, commencing on the 22nd day of July, 2004 and ending on the 22nd day of July, 2005. This Agreement shall automatically renew for successive terms of one year, upon the same terms and conditions except for the amount of compensation which shall be subject to the agreement of the parties. Either party may terminate this Agreement effective at the end of the term then in effect by providing written notice to the other party of its intention to terminate the contract at least thirty (30) days prior to the expiration of the term. This Agreement may also be terminated by either party without cause by providing ninety (90) days written notice to the other party.

ARTICLE V.
CONTACT PERSONS.

All notices required by this Agreement shall be in writing and addressed to the parties as follows;

G.M. Health:
Vicki Lewis
Vice President
561 West Central
Delaware, Ohio 43015

The Delaware County Jail:
Sheriff Al Myers

149 North Sandusky St.
Delaware, Ohio 43015
And
David Cannon
Delaware County Administrator
101 North Sandusky St.
Delaware, Ohio 43015

ARTICLE VI.
NON-COMPETE PROVISION.

During the term of this Agreement and any renewals or extensions thereof and for a period of 24 months following termination for any reason whatsoever, the Jail (including the County of Delaware) agrees that it will not offer employment to or hire any employee of G.M. Health Services who has provided services under the terms of this Agreement.

In the event of a violation of this Agreement G.M. Health Services shall be entitled to enforce this provision by injunctive relief and all other remedies available at law.

ARTICLE VII.
MISCELLANEOUS.

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This Agreement represents the entire understanding of the parties, and any other previous agreements written or verbal are hereby superseded by this Agreement. The terms of this Agreement may be changed by subsequent written agreement of the parties.

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

RESOLUTION NO. 04-882

IN THE MATTER OF APPROVING AN AGREEMENT BETWEEN G. M. HEALTH SERVICES INC., AND THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve the following agreement between G. M. Health Services Inc., and The Board Of Commissioners Of Delaware County, Ohio:

AGREEMENT BETWEEN G.M. HEALTH SERVICE, INC. AND THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO

This agreement is entered into this 22nd day of July, 2004 by and between G.M. Health Services, Inc., and the Board of Commissioners of Delaware County, Ohio.

Whereas, the parties previously entered into an Agreement for the provision of health care services to inmates and to selected employees of the Delaware County Jail and the Delaware County Sheriff’s Office, (the “Agreement”) and,

Whereas, the agreement between the parties expired on December 31, 2003 and the parties have executed a new Agreement for a term commencing on July 22nd, 2004 and,

Whereas, the parties acknowledge that during the period of January 1, 2004 through July 21st, 2004, G.M. Health was providing services pursuant to the agreement and understanding of the parties to extend the term of the original Agreement pending the execution of a revised agreement.

Now Therefore, the parties agree as follows:

1. The parties agree to be bound by the terms and conditions of the Agreement, during the period of January 1, 2004 through July 21, 2004, based upon their oral agreement to that effect, with the only exception that G.M. Health has been compensated based upon a revised schedule agreed upon by the parties.
2. G.M. Health represents and agrees that it has been fully paid for all services rendered through the date of its last paid invoice and it will make no claim for compensation other than as set forth on regular invoices for services rendered at rates that are the same as on previous invoices accepted and paid by the Board in 2004. G.M. Health further represents and agrees that there has been no breach of the Agreement by the Board of Commissioners or the Sheriff of Delaware County or their representatives or employees, as of the date set forth above.
3. The Board represents and agrees that there has been no breach of the Agreement by G.M. Health, or its representatives or employees, as the date set forth above.

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

RESOLUTION NO. 04-883

IN THE MATTER OF APPROVING TRANSFER OF FUNDS FOR THE CLERK OF COURTS OFFICE:

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

Transfer of Funds	AMOUNT	
From	To	
24820101-5801	10020201-4601	\$150,000.00
Title Administration/Miscellaneous Cash	Clerk of Courts/Interfund Revenues	

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

RESOLUTION NO. 04-884

IN THE MATTER OF RECOMMENDING MADDOX NBD TO FACILITATE A STUDY OF A NEW COURTS FACILITY:

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

WHEREAS, Delaware County received four proposals to facilitate a study of a new courts facility and;
WHEREAS, after carefully reviewing the proposals received, the proposal submitted by Maddox NBD has been determined to be the most qualified.

NOW THEREFORE BE IT RESOLVED, That the Board of Commissioners of Delaware County, State of Ohio, accept the recommendation of the Courts Building Advisory Committee to name Maddox NBD to facilitate a study of a new court facility.

FURTHER BE IT RESOLVED, That the Chairpersons of the Courts Building Advisory Committee, along with the County Administrator, negotiate the final scope and price to perform the study.

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

RESOLUTION NO. 04-885

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR THE AUDITOR'S OFFICE:

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

Transfer of Appropriation		AMOUNT
From	To	
20110105-5001 Real Estate Assessment/Compensation	20110105-5450 Real Estate Assessment/Equipment	\$ 3,100.00
20110105-5101 Real Estate Assessment/Health Insurance	20110105-5450 Real Estate Assessment/Equipment	\$ 3,000.00

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

RESOLUTION NO. 04-886

IN THE MATTER OF ACCEPTING A CITIZENS CORPS GRANT FOR THE DELAWARE COUNTY OFFICE OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY:

It was moved by Mr. Jordan, seconded by Mr. Ward to adopt the following Resolution:

WHEREAS, the Delaware County Emergency Management Agency (DCEMA) is eligible to receive a Federal Emergency Management Agency Citizens Corps Council (CCC) Grant of \$10,500.00 for FY2004, and;

WHEREAS, these grant funds will allow the CCC to provide disaster education to our residents, identify unaffiliated volunteers and assist in the coordination of service organization volunteers during times of disaster, and

WHEREAS, these Federal funds were identified following the Terrorist events of "9/11" specifically for use at the local level for volunteer resources;

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners approve acceptance of this grant award by DCEMA for a total amount of \$10,500.00 for the purpose of promoting the CCC and training and equipping a volunteer force to assist first responders during times of emergency.

BE IT FURTHER RESOLVED: That the Board of County Commissioners approve the appropriation of these funds as follows:

Account 21511316	-	5238	-	\$1,200.00
		5250	-	\$2,460.00
		5305	-	\$4,390.00
		5313	-	\$2,450.00

BE IT FURTHER RESOLVED: That the Clerk of the Board of Commissioners shall cause this Resolution to be spread upon the Board's Official Journal.

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

RESOLUTION NO. 04-887

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IN THE MATTER OF APPROVING THE CONTRACTS BETWEEN THE DEPARTMENT OF JOB AND FAMILY SERVICES, THE DELAWARE COUNTY COMMISSIONERS AND CHILD CARE PROVIDERS ARLEEN SUNKLE, KAREN BUMPUS AND LESLIE KANNIARD:

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

Child Care		Basic Rates Full Time (25 Hrs. or More)	Adjustment to Basic Rates
Arleen Sunkle 165 Fair Ave. Delaware, Ohio 43015	Infant Toddler Preschool Schoolage	\$2.75 \$2.75 \$2.50 \$2.50	None
Karen Bumpus 6161 Lock Road Centerburg, Ohio 43011	Infant Toddler Preschool Schoolage	\$2.00 \$2.00 \$2.00 \$2.00	None
Leslie Kanniard 108 Columbus Ave. Delaware, Ohio 43015	Infant Toddler Preschool Schoolage	\$2.75 \$2.75 \$2.50 \$2.50	None

(A Copy of each of these contracts is available in the Commissioners' Office until no longer of Administrative Value).

Further Be It Resolved, that the Commissioners approve the following Purchase Order Request:

Sunkle: 22411610-5348 \$17,000
Bumpus: 22411610-5348 \$11,000
Kanniard: 22411610-5348 \$11,000, 22511607-5348 \$9,000

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

RESOLUTION NO. 04-888

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Craig O'Dell has accepted the temporary Relief Operator Position with the OECC Department; effective date July 23, 2004.

Shelly Douce has accepted the Social Services Supervisor I Position with the Department of Job and Family Services; effective date August 9, 2004.

Chad Richardson has accepted the promotion to The Referral Supervision Position with the Department of Job and Family Services; effective date August 30, 2004.

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

RESOLUTION NO. 04-889

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR THE COURT OF COMMON PLEAS:

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

Supplemental Appropriations		AMOUNT
10022201-5001	Common Pleas Krueger/Compensation	\$3,466.00
10022201-5102	Common Pleas Krueger/Workers Comp	\$33.00
10022201-5120	Common Pleas Krueger/PERS	\$470.00
10022201-5131	Common Pleas Krueger/Medicare	\$51.00

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

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RESOLUTION NO. 04-890

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION OR COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL:

It was moved by Mr. Jordan, seconded by Mr. Ward to adjourn into Executive Session at 10:20AM.

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

RESOLUTION NO. 04-891

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Ward, seconded by Mr. Jordan to adjourn out of Executive Session at 11:15AM.

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

There being no further business the meeting adjourned.

Kristopher W. Jordan

Deborah B. Martin

James D. Ward

Letha George, Clerk to the Commissioners