

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 4, 2007

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

Present: Kristopher W. Jordan, James D. Ward
Absent: Glenn A. Evans

PUBLIC COMMENT

RESOLUTION NO. 07-15

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE
PROCEEDINGS FROM REGULAR MEETING HELD JANUARY 2, 2007 AS CONTAINED IN THE
COUNTY’S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve the resolutions and records of the proceedings
from regular meeting held January 2, 2007 as contained in the county’s official electronic recordings of the
proceedings.

Vote on Motion Mr. Evans Absent Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 07-16

IN THE MATTER OF APPROVING PAYMENT OF WARRANTS IN BATCH NUMBERS
CMAPR013:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve payment of warrants in batch numbers
CMAPR013.

Vote on Motion Mr. Jordan Aye Mr. Evans Absent Mr. Ward Aye

RESOLUTION NO. 07-17

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Rhonda Griffith will use Leave-With-Out-Pay for the following pay periods 0701001, 0701002, 0701003,
0701004, 0701005, 0701006.

Vote on Motion Mr. Evans Absent Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 07-18

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Larry Eley, a Building Inspector with the Code Compliance Department, is taking leave by “temporary total”
through workers comp for December 18, 2006 thru February 9, 2007.

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mr. Evans Absent

RESOLUTION NO. 07-19

IN THE MATTER OF ADOPTING RESOLUTION PROVIDING FOR RETAINING CERTAIN
LEGAL SERVICES OF SQUIRE, SANDERS & DEMPSEY L.L.P. IN CONNECTION WITH LEGAL
MATTERS RELATING TO ECONOMIC DEVELOPMENT AND CAPITAL FACILITIES OR
OPERATIONS FOR THE BENEFIT OF THE COUNTY OR OTHERS:

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

Section 1. That the Board of Commissioners of Delaware County desires, in conjunction with the Prosecuting
Attorney of the County, to retain the legal services of the law firm of Squire, Sanders & Dempsey L.L.P., such
legal services to be in the nature of legal advice, recommendations, preparation of recommended documents
and proceedings, and legal opinions in connection with legal matters relating to economic development and
capital facilities or operations for the benefit of the County or others as the same may from time to time be
requested by this Board.

Section 2. In rendering such legal services, as an independent contractor and in an attorney-client relationship,
the law firm shall not exercise any administrative discretion on behalf of this Board in the formulation of

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 4, 2007

public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, or cities or of this Board, or the execution of public trusts. The retention of such services may be terminated at any time by the Board or the law firm by written notice to the other.

Section 3. That the Board of County Commissioners of Delaware County shall join with the Prosecuting Attorney of said County in application pursuant to Section 305.14, Ohio Revised Code, to the Court of Common Pleas of Delaware County for approval of the retention of the legal services of the law firm for the purposes stated in Section 1 and for authority to pay the law firm for those legal services reasonable fees as approved by the Board, and to reimburse it for actual out-of-pocket expenses (including, but not limited to, travel, delivery, long-distance telephone, facsimile transmission, and duplicating expenses) incurred in rendering those legal services, from funds appropriated, or that may be appropriated, by the Board from time to time for such purpose.

Section 4. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. This Resolution shall be in full force and effect immediately upon its passage.

Vote on Motion Mr. Jordan Aye Mr. Evans Absent Mr. Ward Aye

RESOLUTION NO. 07-20

IN THE MATTER OF ADOPTING RESOLUTION PROVIDING FOR RETAINING CERTAIN
LEGAL SERVICES OF DOWNES HURST & FISHEL, ATTORNEYS AT LAW IN CONNECTION
WITH MATTERS RELATING TO LABOR RELATIONS:

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

Be It Resolved, by the Board of County Commissioners of the County of Delaware, State of Ohio, that:

Section 1. This Board of County Commissioners in conjunction with the Prosecuting Attorney of this County, desires to retain the legal services of the law firm of Downes Hurst & Fishel, Attorneys At Law (the "Firm") for advice and assistance in matters relating to labor relations and employment. For reasonable fees as shall be approved by this Board, plus reimbursement for actual out of pocket expenses (including but not limited to travel, long-distance telephone, and duplicating expenses) incurred in rendering the legal services as may from time to time be requested by this Board, the Firm will provide advice and representation: in court or administrative investigations or proceedings, such as representation and unfair labor practice matters before the State Employment Relations Board, equal employment opportunity charges, workers' compensation, and unemployment compensation claims; in labor arbitration; in preparing for and participating in collective bargaining; in on-site consultation as necessary for preparation of employees handbooks and management training; and advice requiring office research time or consultation with other Firm attorneys.

Section 2. In rendering such legal services, as an independent contractor and in an attorney-client relationship, Downes Hurst & Fishel, Attorneys At Law shall not exercise any administrative discretion on behalf of this Board in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, or cities or of this Board, or the execution of public trusts. The retention of such services may be terminated at any time by this Board or this Firm by written notice to the other.

Section 3. This Board of County Commissioners shall join with the Prosecuting Attorney of this County in application pursuant to Section 305.14 Ohio Revised Code, to the Court of Common Pleas of Delaware County for approval of the retention of the legal services of the Firm for the purpose stated in Section 1 hereof and for authority to pay the Firm for those legal services as provided for in Section 1 hereof from funds appropriated, or that may be appropriated, by this Board from time to time for such purpose. The County Auditor is hereby authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and the issue an appropriate order for the payment of same as they shall become payable.

Section 4. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. This Resolution shall be in full force and effect immediately upon its passage.

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mr. Evans Absent

RESOLUTION NO. 07-21

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 4, 2007

IN THE MATTER OF ADOPTING RESOLUTION PROVIDING FOR RETAINING CERTAIN
LEGAL SERVICES OF SCOTT, SCRIVEN AND WAHOFF IN CONNECTION WITH MATTERS
RELATING TO LABOR RELATIONS:

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

Be It Resolved, by the Board of County Commissioners of the County of Delaware, State of Ohio, that:

Section 1. This Board of County Commissioners in conjunction with the Prosecuting Attorney of this County, desires to retain the legal services of the law firm of Scott, Scriven & Wahoff (the "Firm") for advice and assistance in matters relating to labor relations and employment. For reasonable fees as shall be approved by this Board, plus reimbursement for actual out of pocket expenses (including but not limited to travel, long-distance telephone, and duplicating expenses) incurred in rendering the legal services as may from time to time be requested by this Board, the Firm will provide advice and representation: in court or administrative investigations or proceedings, such as representation and unfair labor practice matters before the State Employment Relations Board, equal employment opportunity charges, workers' compensation, and unemployment compensation claims; in labor arbitration; in preparing for and participating in collective bargaining; in on-site consultation as necessary for preparation of employees handbooks and management training; and advice requiring office research time or consultation with other Firm attorneys.

Section 2. In rendering such legal services, as an independent contractor and in an attorney-client relationship, Scott, Scriven and Wahoff shall not exercise any administrative discretion on behalf of this Board in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, or cities or of this Board, or the execution of public trusts. The retention of such services may be terminated at any time by this Board or this Firm by written notice to the other.

Section 3. This Board of County Commissioners shall join with the Prosecuting Attorney of this County in application pursuant to Section 305.14 Ohio Revised Code, to the Court of Common Pleas of Delaware County for approval of the retention of the legal services of the Firm for the purpose stated in Section 1 hereof and for authority to pay the Firm for those legal services as provided for in Section 1 hereof from funds appropriated, or that may be appropriated, by this Board from time to time for such purpose. The County Auditor is hereby authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and the issue an appropriate order for the payment of same as they shall become payable.

Section 4. It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such format action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5. This Resolution shall be in full force and effect immediately upon its passage.

Vote on Motion Mr. Evans Absent Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 07-22

IN THE MATTER OF APPROVING A JOINT APPLICATION BY THE PROSECUTING
ATTORNEY AND THE DELAWARE COUNTY, OHIO BOARD OF COUNTY COMMISSIONERS
TO AUTHORIZE THE EMPLOYMENT OF SHOEMAKER, HOWARTH & TAYLOR, LLP (LEGAL
COUNSEL) TO ASSIST THE PROSECUTING ATTORNEY WITH REPRESENTATION TO THE
DELAWARE COUNTY AUDITOR AND DELAWARE COUNTY TREASURER CONCERNING
AND RELATING TO MATTERS BEFORE THE DELAWARE COUNTY BOARD OF TAX
REVISION:

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

Now comes the Delaware County, Ohio Prosecuting Attorney (the "Prosecutor") and the Delaware County, Ohio Board of County Commissioners (the "Board") (collectively the "Applicants") and, pursuant to O.R.C. § 305.14(A), jointly move this Court to authorize the Board to retain the employment of the law firm of Shoemaker, Howarth & Taylor, LLP (Legal Counsel) to assist the Prosecuting Attorney. (See Attached Exhibit A – Resolution of the Board approving the filing of this application and the employment of legal counsel.)

Employment of such Legal Counsel would be retained for the purpose of assisting the Prosecuting Attorney in the representation of the Board, Delaware County, and/or any other Delaware County Officers in their official capacities as the same may from time to time be requested by the Board. Representation would be limited to assisting the Prosecuting Attorney, in such manner the Prosecuting Attorney deems necessary and appropriate.

The maximum fixed term of compensation for legal work is as follows: \$175.00 per hour for Partner and \$125.00 for associated attorneys, plus reimbursement for permitted costs and expenses. The length of such employment would be until the Applicants jointly believe, for whatever reason, that such employment is

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 4, 2007

no longer necessary or should be terminated. The reason that the Applicants believe such employment is necessary is to provide representation to the Delaware County Auditor and Delaware County Treasurer concerning and relating to matters with have come before the Delaware County Board of Tax Revision and are being further pursued through other means or in another venue. Such matters involve or concern issues that are time consuming, complex and/or require a particular or specialized knowledge or expertise. Therefore, the Applicants respectfully request that this Court approve and authorize the Board to employ legal counsel to assist the Prosecuting Attorney.

Vote on Motion Mr. Evans Absent Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 07-23

IN THE MATTER OF ADOPTING RESOLUTION PROVIDING FOR RETAINING CERTAIN
LEGAL SERVICES OF ISAAC BRANT LEDMAN AND TEETOR LLP IN CONNECTION WITH
MATTERS RELATING TO HENRY VS. THE COUNTY ENGINEER:

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

Be It Resolved, by the Board of County Commissioners of the County of Delaware, State of Ohio, that:

Section 1. This Board of County Commissioners in conjunction with the Prosecuting Attorney of this County, desires to retain the legal services of the law firm of Isaac Brant Ledman And Teetor Llp (the "Firm") for advice and assistance in matters relating to Henry Vs. The County Engineer.

Section 2. In rendering such legal services, as an independent contractor and in an attorney-client relationship, the law firm shall not exercise any administrative discretion on behalf of this Board in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, or cities or of this Board, or the execution of public trusts. The retention of such services may be terminated at any time by the Board or the law firm by written notice to the other.

Section 3. That the Board of County Commissioners of Delaware County shall join with the Prosecuting Attorney of said County in application pursuant to Section 305.14, Ohio Revised Code, to the Court of Common Pleas of Delaware County for approval of the retention of the legal services of the law firm for the purposes stated in Section 1 and for authority to pay the law firm for those legal services reasonable fees as approved by the Board, and to reimburse it for actual out-of-pocket expenses (including, but not limited to, travel, delivery, long-distance telephone, facsimile transmission, and duplicating expenses) incurred in rendering those legal services, from funds appropriated, or that may be appropriated, by the Board from time to time for such purpose.

Section 4. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. This Resolution shall be in full force and effect immediately upon its passage.

Vote on Motion Mr. Jordan Aye Mr. Evans Absent Mr. Ward Aye

RESOLUTION NO. 07-24

IN THE MATTER OF ADOPTING RESOLUTION FOR RETAINING LEGAL SERVICES OF
SCHOTTENSTEIN, ZOX AND DUNN IN CONNECTION WITH MATTERS RELATING TO
CONSTRUCTION LAW ISSUES FOR DELAWARE COUNTY:

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

Be It Resolved, by the Board of County Commissioners of the County of Delaware, State of Ohio, that:

Section 1. That the Board of Commissioners of Delaware County desires, in conjunction with the Prosecuting Attorney of the County, to retain the legal services of the law firm of Schottenstein, Zox And Dunn such legal services to be in the nature of legal advice, recommendations, preparation of recommended documents and proceedings, and legal opinions in connection with legal matters relating construction law issues for the benefit of the County or others as the same may from time to time be requested by this Board.

Section 2. In rendering such legal services, as an independent contractor and in an attorney-client relationship, the law firm shall not exercise any administrative discretion on behalf of this Board in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, or cities or of this Board, or the execution of public trusts. The retention of such services may be terminated at any time by the Board or the law firm by written notice to the other.

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 4, 2007

Section 3. That the Board of County Commissioners of Delaware County shall join with the Prosecuting Attorney of said County in application pursuant to Section 305.14, Ohio Revised Code, to the Court of Common Pleas of Delaware County for approval of the retention of the legal services of the law firm for the purposes stated in Section 1 and for authority to pay the law firm for those legal services reasonable fees as approved by the Board, and to reimburse it for actual out-of-pocket expenses (including, but not limited to, travel, delivery, long-distance telephone, facsimile transmission, and duplicating expenses) incurred in rendering those legal services, from funds appropriated, or that may be appropriated, by the Board from time to time for such purpose.

Section 4. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. This Resolution shall be in full force and effect immediately upon its passage.

Vote on Motion	Mr. Ward	Aye	Mr. Jordan	Aye	Mr. Evans	Absent
----------------	----------	-----	------------	-----	-----------	--------

There being no further business the meeting adjourned.

Glenn A. Evans

Kristopher W. Jordan

James D. Ward

Letha George, Clerk to the Commissioners