

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MAY 21, 2007

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

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

PUBLIC COMMENT

APEX Award-Lt. Andrew Sapp

RESOLUTION NO. 07-597

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD MAY 17, 2007 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 May 17, 2007 as contained in the county’s official electronic recordings of the proceedings.

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

RESOLUTION NO. 07-598

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0518:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve payment of warrants in batch numbers CMAPR0518 and Purchase Orders and Vouchers as listed:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
<b>PO's</b>			
<b>Increases</b>			
Childrens World/Sawmill	Day Care	22411610-5348	\$ 4,000.00
Kindercare Neverland	Day Care	22411610-5348	\$ 100,000.00
Childrens World/Worthington	Day Care	22411610-5348	\$ 10,000.00
Kindercare Neverland	Day Care	22411610-5348	\$ 4,000.00
BP Gas	Fuel	10011106-5228	\$ 45,000.00
<b>Vouchers</b>			
Pomegranate Health Systems	Residential Treatment	22511607-5342	\$ 5,670.00
House of New Hope Inc.	Residential Treatment	22511607-5342	\$ 8,617.50
Sandra Roginski	Staff Training	22411601-5301	\$ 10,368.00
Downes Hurst and Fishel	Professional Legal Services	10011303-5301	\$ 9,153.46
Village of Sunbury	Kinter Pkwy	40811416-5349	\$ 7,992.80
<b>Memo Transfer</b>			
<b>TO:</b>	<b>From:</b>		
Commissioners	Job and Family	Rent-June	\$ 32,392.00
10011101-4231	22411605-5380		
Commissioners	Job and Family	Rent-May	\$ 32,392.00
10011101-4231	22411605-5380		
Commissioners	Job and Family	Rent-April	\$ 32,392.00
10011101-4231	22411605-5380		
Sanitary Engineer	Commissioners	Inspection Fees	\$ 11,016.75
65111904-4203	40811422-5301	Olentangy Crossing	

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

RESOLUTION NO. 07 -599

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Department of Job and Family Services is requesting that Sharon Lloyd attend a WIA User Meeting in Columbus, Ohio May 24, 2007, at no cost.

The Department of Job and Family Services is requesting that Steve Ehrle attend a Monitoring Risk Management Training in Columbus, Ohio June 13, 2007, at the cost of \$22.56.

The Child Support Enforcement Agency is requesting that Joyce Rhodes attend a County Work Group in

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MAY 21, 2007

Columbus, Ohio May 30, 2007, at the cost of \$10.00.

The Child Support Enforcement Agency is requesting that Christine Dobrovich attend an Attorney Networking Meeting in Fairfield County May 31, 2007, at the cost of \$35.00.

The EMS Department is requesting that Zachary Wolfe, Scott Gano and Rob Farmer attend an Instructor Update Conference in Delaware County May 25, 2007, at no cost.

The Facilities Department is requesting that Jon Melvin and Jack Prim attend the CCAO Summer Conference in Columbus, Ohio June 11, 2007, at the cost of \$90.00.

The Engineer’s Office is requesting that Cathleen Paulus attend an Electrical Safety Audits in Pickerington, Ohio June 5-6, 2007, at no cost.

The Department of Job and Family is requesting a \$60.00 (parking \$10.00 per day) amendment to the previously approved Job and Family Services Conference Training for May 15-17, 2007.

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

RESOLUTION NO. 07-600

IN THE MATTER OF ADOPTING A RESOLUTION DECLARING THE THIRD WEEK OF MAY 2007 AS NATIONAL EMERGENCY MEDICAL SERVICES WEEK IN THE COUNTY OF DELAWARE, OHIO:

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

NATIONAL EMS WEEK

WHEREAS; Emergency Medical Services is a vital public service; and

WHEREAS; the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS; access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS; the emergency medical services system consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and

WHEREAS; the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

THEREFORE be it resolved by the Board of County Commissioners, Delaware County, State of Ohio, that this resolution be passed, recognizing the value and accomplishments of emergency medical services providers, and declaring the Third Week of May 2007 as:

EMERGENCY MEDICAL SERVICES WEEK

And encourage the community to observe this week with appropriate programs, ceremonies, and activities.

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

RESOLUTION NO. 07-601

IN THE MATTER OF ACCEPTING ROADS AND APPROVING RECOMMENDED SPEED LIMITS FOR OLENTANGY CROSSINGS SECTION 2, PHASE A:

It was moved by Mr. Ward, seconded by Mr. Jordan to release bonds and letters of credit and accept roads within the following:

Olentangy Crossings Section 2, Phase A

The roadway to be accepted is as follows:

- An addition of 0..33 mile to Township Road Number 1478, Rail Timber Way

The Engineer also recommends that 25 mile per hour speed limits be established throughout the project.

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

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MAY 21, 2007

RESOLUTION NO. 07-602

IN THE MATTER OF ESTABLISHING STOP CONDITIONS FOR OLENTANGY CROSSINGS SECTION 2, PHASE A:

It was moved by Mr. Jordan, seconded by Mr. Ward to establish stop conditions for the following:

Stop Conditions –Olentangy Crossings Section 2, Phase A

- On Township Road Number 1478, Rail Timber Way, at its intersection with County Road Number 106, Lewis Center Road

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

RESOLUTION NO. 07 -603

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

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

Permit #	Applicant	Location	Type of Work
U07066	Verizon	Woods of Powell North	Relocate cable
U07070	AT&T	Worthington Road	Install cable
U07071	AEP	Dustin Road	Relocate facilities
U07072	Del-Co Water	Lawrence Road	Install road bore

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

RESOLUTION NO. 07-604

IN THE MATTER OF AWARDING THE BID AND APPROVING THE CONTRACT WITH KOKOSING CONSTRUCTION COMPANY FOR THE DELAWARE COUNTY 2007 ROAD IMPROVEMENT PROGRAM:

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

2007 Road Improvement Program-Bid Opening of May 1, 2007

As the result of the above referenced bid opening, The Engineer recommends that a bid be awarded to Kokosing Construction Company, the low bidder for the project. The County’s portion of this bid equals \$2,305,872.75. A copy of the bid tabulation is available for your information.

CONTRACT

AGREEMENT, made and entered into this 21<sup>st</sup> day of May, 2007 by and between the **DELAWARE COUNTY COMMISSIONERS**, Delaware County, Ohio, and hereinafter designated as **FIRST PARTY**, and **KOKOSING CONSTRUCTION COMPANY**, hereinafter designated as **SECOND PARTY**.

**WITNESSETH**, that said **SECOND PARTY**, for and in consideration of the sum of **TWO MILLION THREE HUNDRED FIVE THOUSAND EIGHT HUNDRED SEVENTY-TWO DOLLARS AND SEVENTY-FIVE CENTS (\$2,305,872.75)**, based on unit prices on the attached **Bid Blank**, to be paid as hereinafter specified, hereby agrees to furnish unto said **FIRST PARTY**, all necessary material, labor and equipment required to complete the project known as **Delaware County 2007 Road Improvement Program, Delaware County, Ohio**, in accordance with plans, drawings, general specifications, Invitation to Bid for same hereto attached; which plans, drawings, general specifications and Invitation to Bid are hereby declared to be a part of this **Contract**.

**SAID SECOND PARTY** further agrees to furnish said materials and to do the said work and labor promptly, in a good, substantial and workmanship manner, under the direction of the **Delaware County Engineer**. Work is to be completed on or before **August 31, 2007**.

**THE SECOND PARTY** hereby agrees to hold the **County** free and harmless from any and all claims for damages, costs, expenses, judgments or decrees, resulting from any operations of said **SECOND PARTY**, his sub-contractors, agents or employees.

**SECOND PARTY** further agrees to pay the **Prevailing Wage Rate** in accordance with **Section 4115 of the Ohio Revised Code** and to furnish the **Delaware County Engineer** a certified copy of the Contractor’s payroll. Contractor is also responsible for providing any changes in the Prevailing Wage rates as furnished by the

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MAY 21, 2007

Delaware County Engineer during the course of this project to any and all Subcontractors employed by the Contractor.

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

RESOLUTION NO. 07-605

IN THE MATTER OF ADOPTING A RESOLUTION DECLARING A NECESSITY AND THE  
INTENT OF THE DELAWARE COUNTY BOARD OF COMMISSIONERS TO APPROPRIATE  
PROPERTY FROM ICS HOLDINGS, INC.:

PROPERTY OWNER(S):                      ICS Holdings, Inc.

PROPERTY LOCATION:                      LEWIS CENTER ROAD  
   LEWIS CENTER, OHIO 43035

PERMANENT PARCEL NO:                      318-120-01-059-000

PURPOSE OF APPROPRIATION:    ROADWAY CONSTRUCTION, RE-CONSTRUCTION, IMPROVEMENT,  
   MAINTENANCE, AND REPAIR

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

PREAMBLE

WHEREAS, the Board of Delaware County Commissioners (“Board”) deems it necessary to construct, re-construct, improve, maintain, and repair the roadway at the intersection of South Old State Road and Lewis Center Road in Orange Township, Delaware County, Ohio (“Improvement”); and,

WHEREAS, the Board has determined the necessity for such Improvement and the necessity that such Improvement be made; and,

WHEREAS, the Board has determined that additional land is necessary for such Improvement.

NOW THEREFORE, BE IT RESOLVED, by the Board of Delaware County Commissioners (the "Board"):

SECTION 1:

That it is deemed necessary and it is hereby declared to be the intention of the Board to appropriate right-of-way in fee simple (Parcel 17-WD) from and a temporary easement (Parcel 17-T) on, across, above, and or under certain real estate owned by ICS Holdings, Inc. described in Exhibit “A” attached hereto, and by this reference incorporated herein, all for roadway construction, re-construction, improvement, maintenance, and repair purposes at the intersection of South Old State Road and Lewis Center Road in Orange Township, Delaware County, Ohio; and,

SECTION 2:

That the legal description of said right-of-way in fee simple (Parcels 17-WD) and the temporary easement (Parcel 17-T) is/are attached hereto as Exhibits “B” and “C” and by this reference incorporated herein; and,

SECTION 3:

That the County Administrator be and is hereby authorized to cause written notice of the passage of this Resolution to be given to the owner(s) and any other persons having an interest of record in the herein described property or to their authorized agents. Such notices shall be served and return made in the manner provided for the service and return of summons in civil actions. If such owner(s), persons or agents cannot be found, notice shall be given by publication once each week for three consecutive weeks in the Delaware Gazette; and,

SECTION 4:

That the Board directs the County Prosecuting Attorney to commence the appropriation proceedings on behalf of the Board; and,

SECTION 5:

This Resolution shall take effect and be in force immediately upon passage.

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MAY 21, 2007

(COPIES OF EXHIBITS “A,” “B,” and “C” ARE AVAILABLE IN THE DELAWARE COUNTY ENGINEER’S DEPARTMENT.)

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

RESOLUTION NO. 07-606

IN THE MATTER OF AMENDING CHILD CARE SERVICES CONTRACTS BETWEEN THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES; THE DELAWARE COUNTY COMMISSIONERS AND CHILD CARE PROVIDERS AS LISTED:

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

Kathy McKee

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT  
AMENDMENT NO. 1

This amendment, effective April 29, 2007, is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Kathy McKee entered into on the 1<sup>st</sup> day of January, 2007.

Article 4. Cost and Delivery of Purchased Services:

(1)	<u>Basic Rates:</u>			
		Full Time	Part Time	Hourly
	Infant	\$ 147.34	\$ 108.33	\$ 5.17
	Toddler	\$ 143.00	\$ 110.72	\$ 4.88
	Preschool	\$ 132.58	\$ 112.42	\$ 5.77
	Schoolage	\$ 118.55	\$ 89.61	\$ 5.28
	Schoolage Summer	\$ 130.73	\$ 94.89	\$ 6.08
	(summer rates are only for the summertime off school, only used during the months of: May, June, July, August and September).			

Ohio School For The Deaf

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT  
AMENDMENT NO. 1

This amendment, effective April 29, 2007, is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and the Ohio School For The Deaf entered into on the 1<sup>st</sup> day of January, 2007.

Article 4. Cost and Delivery of Purchased Services:

(2)	<u>Basic Rates:</u>			
		Full Time	Part Time	Hourly
	Infant	\$ 130.00	\$ 130.00	\$ 8.76
	Toddler	\$ 120.00	\$ 120.00	\$ 8.15
	Pre-School	\$ 110.00	\$ 102.58	\$ 5.84

The Learning Center – 7878 Worthington-Galena Rd.

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT  
AMENDMENT NO. 1

This amendment, effective April 29, 2007, is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and The Learning Center – 7878 Worthington-Galena Rd. entered into on the 1<sup>st</sup> day of January, 2007.

Article 4. Cost and Delivery of Purchased Services:

(3)	<u>Basic Rates:</u>			
		Full Time	Part Time	Hourly
	Infant	\$ 213.90	\$ 157.15	\$ 8.76
	Toddler	\$ 187.40	\$ 132.80	\$ 8.15
	Preschool	\$ 159.44	\$ 102.58	\$ 5.84
	Schoolage	\$ 106.58	\$ 78.32	\$ 5.47
	Schoolage Summer	\$ 153.80	\$ 104.31	\$ 6.40

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MAY 21, 2007

(summer rates are only for the summertime off school, only used during the months of: May, June, July, August and September).

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

RESOLUTION NO. 07-607

IN THE MATTER OF APPROVING THE CONTRACT BETWEEN THE DELAWARE COUNTY COMMISSIONERS; THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES AND THE BAIR FOUNDATION FOR CHILD PLACEMENT SERVICES:

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

Child Placement Service	Per diem cost and per diem reimbursement for the following categories
Bair Foundation 665 E. Dublin-Granville Road, Suite 300, Columbus, Ohio 43229	A. Maintenance B. Administration C. Case Management D. Transportation E. Other Direct Services (e.g., special diets, clothing, insurance, respite care) F. Behavioral Healthcare G. Other costs - (any other cost the Agency has agreed to participate in)

(A Copy of this contact is available in the Commissioners’ Office until no longer of Administrative Value).

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

RESOLUTION NO. 07-608

IN THE MATTER OF AMENDING CONTRACT BETWEEN THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES; THE DELAWARE COUNTY COMMISSIONERS AND THE DELAWARE COUNTY TRANSIT BOARD FOR TRANSPORTATION SERVICES :

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

ADDENDUM  
CONTRACT FOR TRANSPORTATION SERVICES  
between  
DELAWARE AREA TRANSIT AGENCY  
and  
Delaware County Job and Family Services

This service addendum is entered into this 1st day of May, 2007 between the Delaware County Transit Board (hereafter called DCTB) and The Delaware County Department of Job and Family Services (hereafter called DJFS) for the purpose of extending the current 2006/2007 contract for providing transportation services to Individuals associated with DJFS.

WHEREAS, All requirements specified in the body of the main portion of the 2006/2007 contract will remain in effect and apply to this addendum, and

WHEREAS, This addendum will remain in effect until a new agreement is reached between the parties for a new contract or August 31, 2007, whichever comes first.

TERMS OF ADDENDUM AND COMPENSATION

The scope of services shall continue for DCTB to provide transportation services based upon authorization provided by DJFS.

DJFS will compensate DCTB as outlined in the 2006/2007 contract.

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

RESOLUTION NO. 07-609

IN THE MATTER OF ENTERING INTO A SUB-GRANT AGREEMENT WITH THE 7<sup>TH</sup> AREA WORKFORCE

**COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MAY 21, 2007**

**INVESTMENT POLICY BOARD ESTABLISHING A GRANTEE/SUB -GRANTEE RELATIONSHIP  
BETWEEN AREA 7 AND SUB –GRANTEE 7221-1(DELAWARE COUNTY):**

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

**Area 7 Sub-Grant Agreement July 2007-June 2008**

Whereas, the Workforce Investment Act of 1998 authorizes the expenditure of federal funds for workforce development programs in locally -determined workforce areas and;

Whereas, the Area 7 Consortium constitutes a jurisdiction designated by the Governor as a WIA sub area, and;

Whereas, the Area 7 Workforce Investment Policy Board has the responsibility for Planning, Policy Development, Monitoring, Audits, and Audit Resolution, One Stops, Grant Applications, Business Relations, and Youth Council;

Now, therefore, be it resolved that Delaware County as a member of the Delaware, Knox, Marion, Morrow sub area 7 enters into this Sub-Grant Agreement with the 7<sup>th</sup> Area Workforce Investment Policy Board establishing a grantee/sub-grantee relationship between Area 7 and sub –grantee 7221-1( Delaware County).

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

**RESOLUTION NO. 07-610**

**IN THE MATTER OF APPROVING AN OHIO DEPARTMENT OF REHABILITATION AND CORRECTION  
SUBSIDY GRANT AGREEMENT FOR COMMUNITY-BASED CORRECTIONS PROGRAMS 407 NON-  
RESIDENTIAL FELONY:**

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

**OHIO DEPARTMENT OF REHABILITATION AND CORRECTION  
SUBSIDY GRANT AGREEMENT FOR  
COMMUNITY-BASED CORRECTIONS PROGRAMS  
407 NON-RESIDENTIAL FELONY**

WHEREAS, the Grantee has made application to the Grantor for funds made available for a Community Correction Act Grant, and has submitted a proposal for the use of these funds, and

WHEREAS, the Grantor is authorized, pursuant to authority in section 5149.30 et seq. of the Ohio Revised Code, to determine and award grants to assist local governments in community-based law enforcement services;

NOW THEREFORE this Grant Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2007 by and between the State of Ohio, Department of Rehabilitation and Correction, Division of Parole and Community Services, Bureau of Community Sanctions, (hereinafter referred to as Grantor) and the undersigned representatives of **Delaware County**, Ohio, (hereinafter referred to as Grantee), pursuant to authority in Section 5149.30 et seq. of the Ohio Revised Code.

**A Terms and Conditions:**

- 1) The Grantor awards to the Grantee the sum of One hundred thirty-one thousand, seven hundred fifty-six Dollars, to be paid in four equal installments of \$32,939 for the period beginning with the effective date of this agreement and ending June 30, 2008 subject to the terms and conditions of this agreement, unless extended or renewed by written agreement of both parties or otherwise terminated as provided herein, but in no event shall this agreement extend beyond June 30, 2008. Total expenditures for **Fiscal Year 2008** (July 1, 2007 to June 30, 2008) will not in any case exceed \$131,756.
- 2) The amount specified in paragraph A.1 is subject to legislative appropriation of the Grantor's proposed Community Non-Residential Programs subsidy (407) budget amount for Fiscal Year 2008 the parties agree that the Grantor may modify the amount in paragraph A.1 if such appropriation is less than the amount proposed to the Legislature by Grantor. The modified amount shall be determined solely by Grantor Officials within their discretion. The Grantee and the Grantor agree to an interim payment of grant funds if an interim budget is adopted pending the final approval of the State of Ohio Fiscal Year 2008 budget. Furthermore, the obligations of the state under this agreement are subject to the determination by the Grantor that sufficient funds have been appropriated by the General Assembly to the Grantor for the purposes of this grant agreement and to the certification of the

**COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MAY 21, 2007**

---

availability of such funds by the director of budget and management as required by Section 126.07 of the Ohio Revised Code.

- 3) In the event that the Grantee wishes to terminate the program or its participation in this Agreement, the Grantee may do so upon sending written notice to the Grantor. In such event in compliance with Section 5120:1-5-07 of the Ohio Administrative Code, the Grantee shall refund to the Grantor that amount paid to the Grantee which represents funding for services not yet rendered as determined by a financial audit completed by the Grantor.
- 4) The Grantee agrees to affect the program as outlined in the proposal submitted by the Grantee, and approved herein by reference. The program's positions, salaries, and fringe benefits shall be as stated in the proposal. The type of expenses, other than salaries of persons who will staff and operate the facility and program for which the state financial assistance can be used are those set out in the proposal. Purchases made with state funds shall be in accordance with county/state/municipal competitive bidding requirements. Any significant program change or reduction requires the prior written approval of the Grantor. In the event of such change or reduction is approved, the Grantor may make appropriate changes in funding.
- 5) It is agreed that the ~~Chief of the~~ Bureau of Community Sanctions shall monitor grant activities during the grant period. Changes shall be submitted to and approved by the ~~Chief of the~~ Bureau of Community Sanctions for the Grantor. The Grantee and the **CHIEF OF THE** Bureau of Community Sanctions will attempt to settle any controversy or a dispute which arises out of or relates to this agreement, or any breach of this agreement. Should this fail, the Grantee can appeal to the Deputy Director of the Division of Parole and Community Services for final resolution.

The fiscal agent designated to act on behalf of the Grantee is \_\_\_\_\_. The program's tax identification number is \_\_\_\_\_.

- 6) Quarterly payments will be made by the Grantor ~~upon receipt of a written request from the Grantee~~ **BY WAY OF ELECTRONIC FUND TRANSFER TO THE DESIGNATED PUBLIC ENTITY.** This process will continue until the total grant award has been expended. ~~Interim payments made under an extension of the previous grant will be deducted from the amounts owed for the first quarter of the fiscal year.~~
- 7) The Grantee agrees to manage and account for grant funds in accordance with the Grantor's "Community Corrections Act Program Grant Manual." These guidelines are incorporated herein by reference.
- 8) The Grantee agrees to provide for services as required by State standards and/or policy and procedure.
- 9) This agreement may not be assigned or transferred by either party.
- 10) The Grantee shall remain responsible for all services performed under this Agreement. The Grantee shall comply with all applicable state and federal laws regarding the purchase of goods and services (including personal service contracts).
- 11) None of the persons who will staff and operate the program, including those who are receiving some or all of their salaries out of funds received by the program as state financial assistance, are employees or to be considered as employees of the Department of Rehabilitation and Correction. Employees who will staff and operate the program are employees of the program.
- 12) The program will make a reasonable effort to augment the funding received by the state.

- (1) The program will comply with Section 5149.33 of the Ohio Revised Code wherein it states:

No municipal corporation, county, or group of contiguous counties receiving a subsidy under division (A) of section 5149.31 of the Revised Code shall reduce, by the amount of the subsidy it receives or by a greater or lesser amount, the amount of local, nonfederal funds it expends for corrections, including, but not limited to, the amount of local, nonfederal funds it expends for the operation of the county, multi-county municipal, county, or multi-county-municipal jail or workhouse and for any county or municipal probation department or for any community correction program. Each subsidy shall be used to make corrections expenditures in excess of those corrections expenditures being made from local, nonfederal funds. No subsidy or portion of a subsidy shall be used to make capital improvements.



**COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MAY 21, 2007**

---

If a recipient violates this section, the Department of Rehabilitation and Correction shall discontinue subsidy payments to the recipient.

- a. This agreement supersedes any prior Grant Agreement for Community Correction Act Programs executed by the parties, or their authorized representatives. This document represents the sole agreement between the parties.

**B) Program Evaluation:**

1. The Grantee shall maintain statistical records for the period of the grant in the format and frequency as established by the Grantor.
2. The Grantee shall prepare and submit to the Grantor a report comprised of the statistical data pursuant to the Grantor's instructions. The Grantee shall maintain internet access for data transmission into the Grantor's management information systems.
- ~~3. The Grantee shall prepare and submit to the Grantor quarterly performance reports comprised of the statistical data set forth above. Such reports shall be submitted as required.~~
- 3) The Grantee shall prepare a quarterly financial report to the Grantor. The reports shall be submitted thirty (30) days after the end of each quarter.
- 4) To determine if the local community-based correctional program is achieving its stated goal and objectives, the Grantee agrees to submit intake and ~~assessment~~ **TERMINATION forms** ~~DATA~~ for each offender placed into its program to the Grantor. The frequency of submitting these forms will be determined by the Grantor and the Grantee shall make available all necessary records for validation and audit.
- 5) It is agreed that the Grantee shall be provided with the results of the Grantor's review of the intake and ~~assessment~~ **TERMINATION forms** ~~DATA~~ at time intervals determined by the Grantor.
- 6) Failure to comply with Items (B) (1) through ~~(6)~~ (5) of this Grant Agreement may result in delaying subsidy payments to the Grantee.

**C) Compliance:**

1. The Grantee shall cooperate with and provide any additional information as may be required by the Department of Rehabilitation and Correction in carrying out an ongoing evaluation of subsidy funded community-based corrections programs.
2. All expenditures made by the Grantee with funds received as state financial assistance through this grant shall be governed by laws of the State of Ohio.
3. All contracts by the Grantee for services must be in writing, contain performance criteria, have itemized service costs, indicate responsibilities of parties' involved, state conditions for termination of the agreement and be approved by the appropriate county officials before their implementation. A copy of such agreement(s) shall be forwarded to the Bureau of Community Sanctions.
4. Failure of the Grantee to comply with the rules of Chapter 5120:1-5 of the Ohio Administrative Code which are applicable under this Grant Agreement, may be cause for the Director of the Department of Rehabilitation and Correction to terminate further funding. Furthermore, the grant amount may be reduced or the Grant Agreement terminated by the Department of Rehabilitation and Correction if:
5. The quality and extent of the program services furnished by the Grantee has been significantly reduced from the level proposed in the Grant Agreement.
6. There is a financial or audit disclosure involving misuse of state funds.
7. The reason(s) for the intent to terminate or reduce funding shall be given in writing to the Grantee. Said notice will be given sixty (60) days prior to the termination of funding. The Grantee shall have thirty (30) days following the receipt of such notice in which to present a petition for reconsideration to the Director of the Department of Rehabilitation and Correction.
8. The Grantee warrants that it is not subject to an "unresolved" finding for recovery under O.R.C 9.24. If the warranty is deemed to be false, the contract is void ab initio and the Grantee must immediately repay to the Attorney General any funds paid under this agreement.

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MAY 21, 2007

D) Program Continuation:

- 1. The Grantor will make reasonable efforts to secure continued funding or expansion of the subsidy program.
- 2. This Agreement shall be governed by the laws of the State of Ohio. It constitutes the entire Agreement between the parties regarding its subject matter. It is subject, however, to modification at any time upon the mutual written notification to the Grantee by the Grantor.
- 3. If any provision in this Agreement is determined by an appropriate court of law to be invalid and unenforceable, the remaining provisions shall continue in full force and effect to the extent possible.
- 4. All existing Grant Agreements are now rendered null and void and are superseded as of the executing of this Grant Agreement.

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

RESOLUTION NO. 07-611

IN THE MATTER OF APPROVING THE APPOINTMENT OF BRIAN GALLIGHER AS THE INTERIM DIRECTOR OF THE DELAWARE COUNTY OFFICE OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT:

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

WHEREAS, in accordance with the Ohio Revised Code Section 5502. , Delaware County is required to appoint a Director for the Office of Homeland Security and Emergency Management, and;

WHEREAS, Mr. Brian Galligher has held the position of Deputy Director of the Office of Homeland Security and Emergency Management for over 1 (one) year, and;

WHEREAS, Mr. Galligher has all the prerequisites for the position, including the education, training, State required Professional Qualification Series and experience;

NOW THEREFORE BE IT RESOLVED, that Mr. Galligher be appointed interim Director of the Office of Homeland Security and Emergency Management effective 25 May 2007, at current annual salary level.

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

RESOLUTION NO. 07-612

IN THE MATTER OF ADOPTING A NEW CELL PHONE POLICY FOR DELAWARE COUNTY:

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

Cell Phone Policy                      May 21, 2007                      New

1.0 Purpose

To allow employees to do their jobs effectively, some employees are entitled to make use of cell phones for official business purposes of the Delaware County Board of Commissioners. This policy outlines the options available to these employees and establishes guidelines for appropriate use of cell phones. This policy was created in order to enhance employee productivity and safety, to help manage telecommunication costs, and allows the Board of Commissioners to meet IRS regulations regarding listed property.

2.0 Scope

All employees of the Board of Commissioners who are required to use cell phones in the course of performing their official business are subject to this policy. The Director and/or County Administrator will establish a list of employees who meet this requirement as part of their job duties.

3.0 Distribution

To all employees under the direction of the Board of Commissioners.

4.0 Definitions

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MAY 21, 2007

---

5.0 Policy

The Director and/or County Administrator will determine which employees are required to use cell phones as part of their official duties. Those assigned a phone through this policy are responsible to respond when contacted. The County will designate the appropriate service provider(s) for cellular phone service, the appropriate service plan for each employee and the required phone model or models. Certain employees may be required to utilize a specific service provider and equipment based on job and/or department requirements.

Employees who are required to use cell phones will generally be able to choose between two cell phone use options. However, the County reserves the right to designate the cell phone plan based on the operational needs or requirements of the job.

A. County Provided Phone and Service

Under this option, the County will purchase the phone, pay all costs associated with activating the phone, maintaining service and purchase/repair of equipment required to keep the cell phone in operating order. Employees using this option are required to use the phone only for official County business. No personal phone calls will be allowed except for in the case of an emergency. Under this plan, detailed monthly billing statements must be approved by the employee's supervisor. Any personal phone call shall be reimbursed by the employee and repeated personal use may be grounds for disciplinary action.

B. Employee Provided Phone and Service

Under this option, the employee will provide a cell phone and a service plan with the designated provider. The employee agrees, as a condition of their employment, to maintain this service and to make the phone available for official County business use.

In return, the Board of Commissioners agrees to pay the employee a monthly allowance for business related expenses only and to cover the costs associated with maintaining the designated service and cell phone equipment. Cost of the basic equipment, the employee's cell phone usage related to business, and routine maintenance of the equipment will be considered. The employee is obligated to meet the established minimum phone service and equipment requirements. The employee may choose to exceed these minimum established requirements at their own expense.

The cost of repairing phones damaged during the course of conducting County business may be reimbursed by the County. The cost for replacing phones may be reimbursed only when the existing phone is damaged beyond repair. Upgrades or replacement of phones in working condition will not be reimbursed. Employees may be asked to provide evidence of the existing phone's condition when seeking reimbursement for replacement.

Replacement of phones lost or damaged during private, non-County related activities will be the responsibility of the employee. This requirement may be waived, at the supervisor's discretion, for those employees who Board of Commissioners has specifically required to carry the phone during non-business hours.

The Cell phone allowance will be made paid with the first payroll of each month. The allowance is considered by the IRS as taxable income since the employee owns the phone and is able to use it for business and personal purposes.

Reimbursement for repair or replacement costs for phones may be paid as the situation arises. These requests must be accompanied by a paid invoice. These reimbursements are also considered taxable income.

Employees leaving service with the County must reimburse the County for the portion of the allowance designated from the date of departure and the end of month for which the allowance was paid.

Employees choosing this option may use the phone for any lawful personal or official purpose and agree to make the designated phone and service plan available for County business. Any costs for equipment or service over and above the designated minimum are the responsibility of the employee.

Reasonable accessories such as cases, batteries and chargers will be purchased and maintained by the Employee. A portion of the allowance will be in consideration to cover such costs.

Enforcement

Employees who violate this policy are subject to disciplinary action. Employees who choose the allowance option and fail to maintain the required cell phone service may be prohibited from choosing this option in the future.

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MAY 21, 2007

---

RESOLUTION NO. 07-613

IN THE MATTER OF APPOINTING RICHARD HELWIG AS CHAIRMAN OF THE BICENTENNIAL COMMITTEE:

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

WHEREAS, Delaware County will be celebrating its 200<sup>th</sup> anniversary in 2008, and

WHEREAS, with Resolution No. 06-185 the Delaware County Commissioners established a commission to organize, plan and coordinate a celebration and commemoration of the County’s 200<sup>th</sup> anniversary which will involve all Delaware Countians, and

WHEREAS, the Bicentennial Committee is in need of a new chairman;

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

Section I. that the Delaware County Commissioners appointing Richard Helwig as chairman of the Bicentennial Committee.

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

RESOLUTION NO. 07-614

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Larry Fisher is resigning as the Director of Emergency Services; effective date May 25, 2007.

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

RESOLUTION NO. 07-615

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 AND FOR PENDING OR IMMINENT LITIGATION:

It was moved by Mr. Jordan, seconded by Mr. Ward to adjourn into Executive Session at 10:05AM.

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

RESOLUTION NO. 07-616

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 11:16AM.

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

Resume Session at 3:03PM

RESOLUTION NO. 07-617

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 3:03PM.

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

RESOLUTION NO. 07-618

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MAY 21, 2007

---

It was moved by Mr. Ward, seconded by Mr. Jordan to adjourn out of Executive Session at 3:30PM.

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

**RESOLUTION NO. 07-619**

**IN THE MATTER OF APPROVING PERSONNEL ACTIONS:**

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

John Tracy, Emergency Telecommunications Operations Manager, has been placed on Administrative Leave with pay; effective May 21, 2007.

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

There being no further business the meeting adjourned.

\_\_\_\_\_  
Glenn A. Evans

\_\_\_\_\_  
Kristopher W. Jordan

\_\_\_\_\_  
James D. Ward

\_\_\_\_\_  
Letha George, Clerk to the Commissioners