

COMMISSIONERS JOURNAL NO. 50 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 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

- 2:00 PM Viewing For Consideration Of A Ditch Petition For The Harvest Wind Sections 1 And 2 Subdivision Ditch Maintenance Project
- 3:15 PM Viewing For Consideration Of A Ditch Petition For The Canterbury Section 1 & 2 Subdivision Ditch Maintenance Project

PUBLIC COMMENT

RESOLUTION NO. 07-1545

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD DECEMBER 13, 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 December 13, 2007 as contained in the county’s official electronic recordings of the proceedings.

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

RESOLUTION NO. 07-1546

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1214:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1214 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
PO's			
Nex Gen Access Inc.	4.9 Wireless System	10011303-5320	\$ 9,995.20
Increase			
AEP	Utility Services	10011105-5338	\$ 8,000.00
BP Products Gasoline	Fuel	10011106-5228	\$ 26,500.00
Verizon	Service	10011105-5330	\$ 1,000.00
Goodyear Tire	Maintenance/Repair	10011106-5228	\$ 2,000.00
Pitney Bowes Reserve Acct.	Postage	10011105-5330	\$ 6,800.00
Fox Mechanical	CFOA	43111424-5410	\$ 40,000.00
Limbach	CFOA	43111424-5410	\$ 15,000.00
ACI	CFOA	43111424-5410	\$ 100,000.00
ACI	CFOA	43111424-5410	\$ 12,846.78
Royal	CFOA	43111424-5410	\$ 10,000.00
Atrium	CFOA	22411601-5348	\$ 6,500.00
Vouchers			
BP Products	Gasoline	10011106-5228	\$ 8,429.72
CEBCO	Jan 2008 Premiums and Claims	60211902-5370	\$ 789,429.41
Ben Bro Enterprises	Jan. Bldg and Land Rental	10011105-5335	\$ 18,310.32
Pitney Bowes	Postage for Del Co. Offices	10011105-5331	\$ 7,300.00
City of Delaware	Municipal Prosecutor/Nov	10011102-5301	\$ 10,070.00
Delaware City Schools	Child Care	22411610-5348	\$ 6,836.83
Delaware City Schools	Child Care	22511607-5348	\$ 490.00
Council for Older Adults	Protect Services Grant	22411606-5348	\$ 11,250.00
Pomegranate Health Systems	Residential Treatment	22511607-5342	\$ 9,450.00
Pomegranate Health Systems	Residential Treatment	22511608-5342	\$ 9,450.00
Beech Brook	Residential Treatment	22511608-5342	\$ 5,725.80
Bellefaire JCB	Residential Treatment	22511608-5342	\$ 9,021.90
Starr Commonwealth	Residential Treatment	22511607-5342	\$ 13,942.20
Starr Commonwealth	Residential Treatment	22511608-5342	\$ 6,971.10
Motorola	Jail Antenna System	40111402-5410	\$ 99,922.00
Advanced Protection	Sheriff security Improvements	40111402-5410	\$ 14,157.65
Memo Transfer Voucher			
From	To		
CSEA	Juvenile Court	Court Contract Billing	\$ 7,839.94
10026201-4245	23711630-5360		

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

RESOLUTION NO. 07 -1547

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

Juvenile Court is requesting that Teresa Tackett attend a Microsoft Power Point Training in Columbus, Ohio February 13 and 27, 2008, at the cost of \$20.00.

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

RESOLUTION NO. 07-1548

IN THE MATTER OF ADOPTING RESOLUTION OF CONGRATULATIONS TO JACOB COLLARD UPON EARNING HIS EAGLE SCOUT AWARD:

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

WHEREAS, Jacob Collard has been a member of Boy Scout Troop # 300; and

WHEREAS, Jacob Collard has met all the requirements and been approved by the National Council of Boy Scouts to receive the Eagle Scout Award, and

WHEREAS, The Board of Commissioners of Delaware County wishes to express congratulations to Jacob Collard on earning the Eagle Scout Award.

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners of Delaware County hereby officially congratulates Jacob Collard on attaining Scouting’s highest rank - the Eagle Scout Award. Your diligence and hard work have earned you the distinction of being an Eagle Scout. You join company with a select group of individuals who are recognized as outstanding in all that Scouting represents.

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

RESOLUTION NO. 07-1549

IN THE MATTER OF GRANTING THE ANNEXATION PETITION OF 4.398 ACRES OF LAND IN GENOA TOWNSHIP TO THE CITY OF WESTERVILLE:

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

Whereas, on December 13, 2007, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Jeffrey D. Porter and Michael T. Spencer of Kegler, Brown, Hill & Ritter Co. L.P.A., agents for the petitioner, of 4.398 acres, more or less, in Genoa Township to the City of Westerville.

Whereas, ORC Section 709.022-Expedited Type 1 Annexation Petition; Consent of all Parties with Either an Annexation Agreement or Cooperative Economic Development Agreement states- Upon receipt of the petition and a certified copy of the applicable agreement, the board of county commissioners, at the board’s next regular session, shall enter upon its journal a resolution granting the annexation.

Therefore, Be It Resolved, the Delaware County Board of Commissioners (the “Board”) grants the annexation petition request to annex 4.398 acres, more or less, in Genoa Township to the City of Westerville.

Be It Further Resolved, the Board directs the Clerk of the Board to deliver a certified copy of the entire record of the annexation proceedings, including all resolutions of the Board, signed by a majority of the members of the Board, the petition, map, and all other papers on file, and the recording of the proceedings, if a copy is available, to the auditor or clerk of the City of Westerville.

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

RESOLUTION NO. 07-1550

IN THE MATTER OF ACKNOWLEDGING RECEIPT OF A LETTER FROM AGENT FOR THE PETITIONERS, MICHAEL R. SHADE ATTORNEY AT LAW, TO VOLUNTARILY WITHDRAW THE ANNEXATION PETITION OF 88.847 ACRES OF LAND IN SCIOTO TOWNSHIP TO THE VILLAGE OF OSTRANDER:

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It was moved by Mr. Ward, seconded by Mr. Jordan to acknowledge receipt of a letter from agent for the petitioners, Michael R. Shade Attorney At Law, to voluntarily withdraw the annexation petition of 88.847 acres of land in Scioto Township To The Village Of Ostrander.

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

RESOLUTION NO. 07-1551

IN THE MATTER OF APPROVING PLATS FOR WALNUT GROVE ESTATES SECTION 2 AND
MANSARD ESTATES SECTION 1, LOT 7451 AND DITCH MAINTENANCE PETITIONS FOR WALNUT
GROVE ESTATES SECTION 2 AND HIDDEN CREEK SECTION 1:

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

Walnut Grove Estates Section 2

Situated in the Township of Genoa, County of Delaware, State of Ohio and being part of Farm Lot 13, Section 2, township 3, Range 17, United States Military lands, and being 28.656 Acres, as conveyed to Walnut Grove estates, Inc. as described in Deed Book 403, Page 6 County Recorder’s Office, Delaware, Ohio. Cost \$102.00

Mansard Estates Section 1, Lot 7451

Situated In The State Of Ohio, County Of Delaware, Township Of Genoa, And In Farm Lot 14, Quarter Township 2, Township 3, Range 17, United States Military District, Containing 9.228 Acres Of Land, More Or Less, Said 9.228 Acres Being Comprised Of All Of Lot 7451 As The Same Is Numbered And Delineated Upon The Subdivision Plat Entitled “Mansard Estates Section 1” And Shown Of Record In Official Record 759, Page 2447, Said Lot 7451 Being Part Of Those Tracts Of Land Conveyed To Jay Scott Gillis, By Deed Of Record N Deed Book 580, Page 111, (0.788 Acres) Official Record 816, Page 2470, (8.440 Acres) All References Being To Those Of Record In The Recorder’s Office, Delaware County, Ohio. Cost \$3.00.

Ditch Maintenance Petition- Walnut Grove Estates Section 2

We the undersigned owners of 28.66 acres in Genoa Township, Delaware County, Ohio propose to create a subdivision known as **Walnut Grove Estates Section 2** as evidenced by the attached subdivision plat (Exhibit “A” which is available at the County Engineer’s Office). These plats have been approved and signed by the Delaware County Regional Planning Commission and the Delaware County Engineer. Drainage improvements related to this subdivision have been constructed (or are bonded and will be constructed within a period of one year as evidenced by the Subdivider’s agreement Exhibit “B” available at the County Engineer’s Office). In accordance with Section 6137 of the Ohio Revised Code, we (I) hereby request that the improvements delineated on Exhibit “C” (available at the County Engineer’s Office), be accepted as part of the County Ditch Maintenance Program and that an annual maintenance assessment be collected with the Real Estate Taxes for each lot in the subject subdivision to cover the cost of current and future maintenance of the improvements.

We (I) represent 100% of the property owners to be assessed for maintenance related to this drainage improvement. We (I) hereby waive our rights to a public viewing and hearing and ask that your board approve this action in conjunction with the approval of the **Walnut Grove Estates Section 2** Subdivision.

The cost of the drainage improvements is \$525,927.36 and a detailed cost estimate is available at the County Engineer’s office in Exhibit “D”. The drainage improvements are being constructed for the benefit of 35 lots being created in this subdivision and 19 existing lots. Thirty-five lots are created in this plat and each lot receives an equal share of the benefit (cost) of the project. The basis for calculating the assessment for each lot is therefore, \$3,315.92 per lot. An annual maintenance fee equal to 2% of this basis \$264.53 will be collected for each lot. I understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year’s assessment for all of the lots in the amount of \$9,258.50 has been paid to Delaware County.

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

Ditch Maintenance Petition-Hidden Creek Section 1

We the undersigned owners of 15.59 acres in Berkshire Township, Delaware County, Ohio propose to create a subdivision known as **Hidden Creek Section 1** as evidenced by the attached subdivision plat (Exhibit “A” which is available at the County Engineer’s Office). This plat has been approved and signed by the Delaware County Regional Planning Commission and the Delaware County Engineer. Drainage improvements related to this subdivision have been constructed (or are bonded and will be constructed within a period of one year as evidenced by the Subdivider’s agreement Exhibit “B” available at the County Engineer’s Office). In accordance with Section 6137 of the Ohio Revised Code, we (I) hereby request that the improvements delineated on Exhibit “C” (available at the County Engineer’s Office), be accepted as part of the County Ditch

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Maintenance Program and that an annual maintenance assessment be collected with the Real Estate Taxes for each lot in the subject subdivision to cover the cost of current and future maintenance of the improvements.

We (I) represent 100% of the property owners to be assessed for maintenance related to this drainage improvement. We (I) hereby waive our rights to a public viewing and hearing and ask that your board approve this action in conjunction with the approval of the **Hidden Creek Section 1** Subdivision.

The cost of the drainage improvements is \$171,759.97 and a detailed cost estimate is available at the County Engineer’s office in Exhibit “D”. The drainage improvements are being constructed for the benefit of the lots being created in this subdivision. 18 lots are created in this plat and each lot receives an equal share of the benefit (cost) of the project. The basis for calculating the assessment for each lot is therefore, \$9,544.22 per lot. An annual maintenance fee equal to 2% of this basis \$190.88 will be collected for each lot. I understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year’s assessment for all of the lots has been paid to Delaware County.

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

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

RESOLUTION NO. 07-1552

IN THE MATTER OF ACCEPTING ROADS AND APPROVING RECOMMENDED SPEED LIMITS FOR ESTATES AT CHESHIRE SECTION 1:

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

Estates at Cheshire Section 1

The roadways to be accepted are as follows:

- **Meadow View Drive**, to be known as **Township Road Number 1567**
- **Oak View Drive**, to be known as **Township Road Number 1568**

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

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

RESOLUTION NO. 07-1553

IN THE MATTER OF ESTABLISHING STOP CONDITIONS FOR ESTATES AT CHESHIRE SECTION 1:

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

Stop Conditions – Estates at Cheshire Section 1

- On Township Road Number 1567, Meadow View Drive, at its intersection with County Road Number 34, South Galena Road
- On Township Road number 1568, Oak View Drive, at its intersection with Township Road Number 1567, Meadow View Drive

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

RESOLUTION NO. 07-1554

IN THE MATTER OF ACCEPTING MAINTENANCE BOND FOR WALNUT GROVE ESTATES SECTION 2:

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

Walnut Grove Estates Section 2

The roadway construction has been completed for the referenced subdivision and, as the results of The Engineer’s recent field review, he has determined that minor remedial work will be required during the 2008 construction season.

In accordance with the Subdivider’s Agreement, The Engineer recommends that the maintenance bond be set at **\$148,000** for the duration of the one year maintenance period. A Letter of Credit in that amount is already in place.

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

RESOLUTION NO. 07-1555

IN THE MATTER OF APPROVING BID SPECIFICATIONS AND SETTING BID OPENING DATE AND TIME FOR THE JONES-TIMMS DITCH IMPROVEMENT PROJECT:

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

INVITATION TO BID

Sealed proposals will be received at the **Office of the Delaware County Engineer, 50 Channing Street, Delaware, Ohio 43015, until 10:00 a.m. local time on Monday January 7, 2008**, for furnishing all labor, materials and equipment necessary to complete the project known as **Jones-Timms Ditch Improvement Project**, and bids will be opened and read aloud. Contract documents, bid sheets, plans and specifications can be obtained at the **Office of the Delaware County Engineer. Bidder must make arrangements to obtain bid packet; they will not be mailed.**

Each bidder is required to furnish with its proposal a Bid Guaranty and Contract Bond in accordance with **Section 153.54 of the Ohio Revised Code**. Bid security furnished in Bond form shall be issued by a Surety Company or Corporation licensed in the State of Ohio to provide said surety.

Each proposal must contain the full name of the party or parties submitting the proposal and all persons interested herein. Each bidder must submit evidence of its experiences on projects of similar size and complexity, and a complete listing of all subcontractors to be used. **The owner intends that this project be finished no later than April 15th 2008.**

The engineer’s estimate for this project is \$287,692.70

Bids shall be placed in a sealed envelope marked “**SEALED BID FOR JONES-TIMMS DITCH IMPROVEMENT PROJECT**”.

The Delaware County Commissioners reserve the right to waive irregularities and to reject any and/ or all bids.

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

RESOLUTION NO. 07-1556

IN THE MATTER OF AMENDING THE CHILD PLACEMENT SERVICES CONTRACTS BETWEEN THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES, THE DELAWARE COUNTY COMMISSIONERS AND UNITED METHODIST CHILDREN’S HOME:

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

United Methodist Children’s Home

AMENDMENT TO CONTRACT
For
Child Placement and Related Services

AMENDMENT NO. 1

This Amendment, effective November 28, 2007, is to amend the Contract for Child Placement and Related Services between the Delaware County Department of Job and Family Services, a department of the Delaware County Commissioners, and United Methodist Children’s Home,(UMCH) entered into on the first day of July, 2007.

- I. Article IV. Reimbursement for Placement Services: Changes the amount reimbursable under the contract from \$55,000.00 to \$196,000.00

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

RESOLUTION NO. 07-1557

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

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Marsha Coleman is resigning her position as the Children Services Administrator with the Department of Job and Family Services; effective date December 31, 2007.

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

RESOLUTION NO. 07-1558

IN THE MATTER OF AUTHORIZING THE DIRECTOR OF ADMINISTRATIVE SERVICES TO BEGIN THE APPLICATION PROCESS WITH THE OHIO BUREAU OF WORKERS’ COMPENSATION FOR THE WORKERS’ COMPENSATION SELF INSURANCE PROGRAM:

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

Whereas, Delaware County has been part of the traditional State funded program for administering its workers compensation claims through the Ohio Bureau of Workers’ Compensation;

Whereas, Delaware County has been a member of the County Commissioner’s Association Workers’ Compensation Group Rating Plan which allowed the County to receive a pooled savings each year;

Whereas, several Counties including Delaware County were evaluated by the Bureau of Workers’ Compensation and due to their size were no longer permitted to be part of the Group Rating Plan;

Whereas, the County researched and evaluated cost savings alternatives to the State Fund Program and decided that the Workers’ Compensation Self Insurance Program is the best plan for the County to administer their Workers’ Compensation claims;

Therefore, the County Commissioners authorize the Department of Administrative Services to begin the application process with the Ohio Bureau of Workers’ Compensation to be allowed to self insure their workers compensation claims.

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

RESOLUTION NO. 07-1559

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

A job description for a new position in Human Resources; the BWC Claims/Human Resources Coordinator. This position will be responsible for administering the County’s Workers Compensation Self Insurance Program.

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

RESOLUTION NO. 07-1560

IN THE MATTER OF ACCEPTANCE OF THE SANITARY SEWERS FOR TRADITIONS AT HIGHLAND LAKES 2, PARTS 1 & 2:

It was moved by Mr. Ward, seconded by Mr. Jordan to accept the sanitary sewers for ownership, operation, and maintenance by Delaware County as follows:

Traditions At Highland Lakes 2, Parts 1 & 2 2,485 feet of 8- inch sewer 15 manholes

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

RESOLUTION NO. 07-1561

IN THE MATTER OF APPROVING THE SANITARY SEWER IMPROVEMENT PLANS FOR THE LOWER SCIOTO WATER RECLAMATION FACILITY EFFLUENT LINE AND LIBERTY TOWNSHIP SEWER EXTENSION:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve sanitary sewer plans for Lower Scioto Water Reclamation Facility Effluent Line And Liberty Township Sewer Extension for submittal to the Ohio EPA for their approval as per recommendation of the County Sanitary Engineer.

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

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RESOLUTION NO. 07-1562

IN THE MATTER OF APPROVING A CHANGE ORDER TO THE INTERGOVERNMENTAL
COOPERATION AGREEMENT FOR THE LOWER SCIOTO WATER RECLAMATION FACILITY:

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

Delaware County
Division of Environmental Services
CHANGE ORDER

Order No.: 1

Date: December 12, 2007

Agreement Date: November 1, 2007

NAME OF PROJECT: Lower Scioto Water Reclamation Facility

Contract: Intergovernmental Cooperation Agreement dated November 1, 2007

The following changes are hereby made to the CONTRACT:

- 1. Extension of entry drive to facility shall be moved to the west of the location as shown on the approved plans resulting in approximately 750 additional feet of required roadway. Roadway shall be constructed to the approval of the Sanitary Engineer and Board of County Commissioners

Change to Contract Price:

Original Contract Price: \$ 21,986,625.00

Current Contract Price adjusted by previous Change Order: \$ 21,986,625.00

The Contract Price due to this Change Order will be increased by: \$132,000.00

The new Contract Price including this Change Order will be: \$22,118,625.00

Change to Contract Time:

The Contract Time will be (increased/decreased) by zero (0) calendar days.

Approvals Required:

To be effective this Order must be approved as require by the Section II page 5 of the Contract Documents.

Requested by: Concord/Scioto Community Authority

Recommended by: Director of Environmental Services and Concord/Scioto Community Authority

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

RESOLUTION NO. 07-1563

IN THE MATTER OF AWARDING THE BID FOR LOCK BOX SERVICES TO DELAWARE COUNTY
BANK:

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

WHEREAS, Sealed Bids for Lock Box Services were received by the County of Delaware, Ohio at the Office of the Board of County Commissioners at 2:00 o'clock PM local time November 30, 2007, and

WHEREAS, Two (2) bids were received for the requested Service, and

WHEREAS, the bids were evaluated by the professional staff of the Region Sewer District, and

WHEREAS, it was determined that the Delaware County Bank & Trust Company, located in Lewis Center, Ohio was the lowest and best bid for the requested service at a quarterly estimated cost of \$14,138.00.

THEREFORE BE IT RESOLVED that the Lock Box Services Bid for February 1, 2008 to January 31, 2010 be awarded to the Delaware County Bank & Trust Company.

FURTHERMORE BE IT RESOLVED that the Board of County Commissioners execute the Notice of Award to the Delaware County Bank & Trust Company.

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

RESOLUTION NO. 07-1564

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

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Recommendation to demote Chris Curtin from a Lieutenant to a Paramedic with the EMS Department (effective date December 14, 2007) and recommendation to approve a 40-hour suspension for disciplinary purposes.

Recommendation for Transitional Work (light duty) for Charles McNabb; effective date December 7, 2007.

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

RESOLUTION NO. 07-1565

IN THE MATTER OF APPROVING AN AGREEMENT TO PROVIDE EMERGENCY MEDICAL SERVICES
WITHIN LIBERTY TOWNSHIP AND DELAWARE COUNTY:

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

AN AGREEMENT TO PROVIDE EMERGENCY MEDICAL SERVICES WITHIN
LIBERTY TOWNSHIP AND DELAWARE COUNTY

THIS AGREEMENT is made by and between Liberty Township, hereinafter called “Township,” and the County of Delaware, hereinafter called “County,” pursuant to the authority of Section 307.15 of the Ohio Revised Code, that provides that the County may enter into agreements with the legislative authority of any political sub-division, whereby it undertakes, and is authorized by the Board of Commissioners, to exercise any power, perform any function, or render any service, in behalf of the County or the Board of Commissioners, that the County or the Board of Commissioners may exercise, perform or render.

WHEREAS, by mutual agreement, the Township, since 1972, has provided Emergency Medical Services (EMS) on behalf of the County in certain areas of the County, and;

WHEREAS, the Township and the County are committed to continue providing EMS to all residents of the Township and the County, and;

WHEREAS, the Township and the County have a desire to compensate the Township at a “per-run” rate for the EMS responses rendered, and;

WHEREAS, a “run” shall be defined as a single emergency incident, regardless of the number of apparatus that responds, or number of patients treated;

WHEREAS, this agreement shall take effect immediately upon execution, and shall continue in effect until December 31, 2010.

NOW THEREFORE, the Township and County agree that compensation will be as follows:

1. That upon the effective date of this agreement and through the completion of FY07, the compensation payable by the County to Liberty Township for EMS shall be based on a per-run rate of \$180.59 on all patient transports and of \$90.30 on all non-transports. The Township will provide the County with an invoice for those runs conducted quarterly. The invoice will indicate the total number of runs, transport and non-transport, and the total amount for the quarter. In addition, the Township will include a report that reflects the date, time, unit(s) and disposition for each run. The County will make quarterly payments for the term of this agreement.
2. The FY08 reimbursement rate increase will be based on the Consumer Price Index (CPI) for 2007 as reported by the U.S. Bureau of Labor Statistics for the Midwest.
3. It is understood that the County will occasionally respond into the Township on EMS responses, and that the Township will not be compensated for any of the transports that may be conducted by the County in the Township area.
4. That the Parties agree to jointly review and analyze the results of this agreement as necessary, improving efficiencies, avoiding duplications and defining and recommending the terms of a new Agreement to succeed this one.
 - A. When it is appropriate for two medic vehicles to respond, the closest automatic response unit will be dispatched along with any apparatus that the Liberty Township run cards deem appropriate. If Liberty Township does not arrive on scene as a result of being cancelled by the automatic response unit, the Township will not be compensated for the incident. If Liberty Township arrives on scene, but does not transport, then the Township will be compensated at the non-transport rate.
 - B. When it is appropriate for one medic vehicle to respond, but the Delaware County CAD system indicates that an automatic response unit is closer than the indicated medic vehicle, Liberty Township will be dispatched within their jurisdiction along with the closest medic, whether the closest is a Delaware County

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EMS or neighboring Fire Department Medic. If Liberty Township does not arrive on scene as a result of being cancelled by the automatic response unit, the Township will not be compensated for the incident. If Liberty Township arrives on scene, but does not transport, then the Township will be compensated at the non-transport rate.

5. That the Township agrees that it will provide its paramedic employees with the same level of training, or greater, than that provided to Delaware County EMS employees.

6. Breach or Default of Contract: Upon breach or default of any of the provisions, obligations, or duties embodied in this Agreement, the aggrieved party shall attempt to resolve the matter resulting in breach or default consistent with the dispute resolution process provided herein in Article IX. If the breach or default is not satisfactorily remedied via such dispute resolution process, this Agreement may, at the election of the aggrieved party, be immediately terminated. The Parties may, without limitation, exercise any available administrative, contractual, equitable or legal remedies. In the event of such a breach or default, the Township shall be entitled to receive remuneration that it its due hereunder through the date specified on the notice as the effective date for such termination.

7. Effect of Waiver of any Occurrence of Breach or Default: The waiver of any occurrence of breach or default is not and should not be interpreted as a waiver of any such subsequent occurrences. The Parties, without limitation, retain the right to exercise all available administrative, contractual, equitable or legal remedies. If the County or the Township fail to perform an obligation or obligations under this Agreement and such failure(s) is (are) waived by the other party, such waiver shall be limited to the particular failure(s) so waived and shall not be deemed to waive other failure(s). Waiver by either party shall be authorized in writing and signed by an authorized representative of that party.

8. Dispute Resolution: Dispute procedures are specifically designed to deal with any alleged violations of this Agreement or as a result of any operational procedures that adversely impact on either party. Disputes from either party will be forwarded in writing to the Delaware County EMS Chief and/or the Township Fire Chief, respectively. The party receiving a dispute has seven (7) work days to respond in writing to the other party. The response should include any findings or recommended solutions to the dispute. If the dispute cannot be resolved through written notification, the EMS Chief will meet with the Township Fire Chief to arrive at a resolution. If the dispute cannot be resolved, it will be brought before the respective Boards for final resolution. This dispute resolution process does not preclude any emergency situation that requires immediate contact by both Chiefs for resolution.

9. Miscellaneous Terms & Conditions

A. FINDINGS FOR RECOVERY - Each party certifies that it has no outstanding findings for recovery pending or issued against it by the State of Ohio.

B. GOVERNING LAW - This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio. Any and all legal disputes arising from this Agreement shall be filed in and heard before the courts of Delaware County, Ohio.

C. SEVERABILITY - If any item, condition, portion, or section of this Agreement or the application thereof to any person, premises, or circumstance shall to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition, provision, or section to persons, premises, or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Agreement and all the terms, conditions, provisions, or sections hereof shall, in all other respects, continue to be effective and to be complied with

D. ENTIRE AGREEMENT - This Agreement (and its Attachments) shall constitute the entire understanding and agreement between the Township and the County, shall supersede all prior understandings and agreements relating to the subject matter hereof, and may only be amended in writing with the mutual consent and agreement of the Parties.

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

RESOLUTION NO. 07-1566

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 9:50AM.

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

RESOLUTION NO. 07-1567

COMMISSIONERS JOURNAL NO. 50 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2007

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Ward, seconded by Mr. Evans to adjourn out of Executive Session at 11:20AM.

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

There being no further business the meeting adjourned.

Glenn A. Evans

Kristopher W. Jordan

James D. Ward

Letha George, Clerk to the Commissioners