

COMMISSIONERS JOURNAL NO. 50 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 31, 2008

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

RESOLUTION NO. 08-114

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD JANUARY 28, 2008 AS CONTAINED IN THE COUNTY’S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Ward, seconded by Mr. Evans to approve the resolutions and records of the proceedings from regular meeting held January 28, 2008 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. 08-115

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0130 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0130:

It was moved by Mr. Evans, seconded by Mr. Ward to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0130, memo transfers in batch numbers MTAPR0130 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
PO’s			
EMH & T Inc.	Contracted Inspection Services	66211902-5301	\$ 50,000.00
Oberlanders Tree & Landscape	Landscaping/CFOA	43111424-5410	\$ 48,307.50
Liberty Community Center Inc.	Mental Health Preschool Program	22411601-5301	\$ 19,463.00
Shawnee Pools Sutherland Inc.	Pool/CFOA	43111424-5410	\$ 78,400.00
Nextel Communications	Nextel Charges	21511307-5330	\$ 600.00
Nextel Communications	Nextel Charges	21411306-5330	\$ 125.00
Nextel Communications	Nextel Charges	10011303-5330	\$ 4,500.00
Nextel Communications	Nextel Charges	10011304-5330	\$ 125.00
Fire Safety Services Inc.	Purchase of Protective Equipment	21311322-5200	\$ 106,080.00
Ohio Edison Co.	Electric at Medic Stations	10011303-5338	\$ 9,000.00
Vouchers			
AEP	OECC	66290302-5338	\$ 1,412.21
AEP	Blower Bldg/OECC	66290302-5338	\$ 15,094.61
AEP	Blower	66290302-5338	\$ 2,525.80
AEP	North Blower Bldg/OECC	66290302-5338	\$ 4,273.38
AEP	S. Aeration	66290302-5338	\$ 8,432.81
AEP	Various Sant. Eng. Locations	66290309-5338	\$ 5,540.67
Central OH Contractors	Nov Sludge Waste	66290403-5380	\$ 7,939.66
Central OH Contractors	Dec Sludge Waste	66290403-5380	\$ 8,306.91
State of OH Treasurer	Annual Discharge Fee	66690501-5316	\$ 5,200.00
Motorola Inc.	2008 Service Agreement	21411306-5325	\$ 638,460.00
Digital Data Technologies Inc.	Dispatch 2008 Annual Support	21411306-5325	\$ 12,981.60
Starr Commonwealth	Residential Treatment	22511608-5342	\$ 7,203.47
Starr Commonwealth	Residential Treatment	22511607-5342	\$ 14,406.94
Dell Marketing LP	Servers	21411306-5450	\$ 8,804.06
Marion Industrial	Blower Replacement	66290302-5450	\$ 8,930.00
Noahs Ark Learning Center	Day Care	22411610-5348	\$ 4,731.14
Noahs Ark Learning Center	Child Care	22511607-5348	\$ 360.00
Todays Learning child	Day Care	22411610-5348	\$ 13,976.41
Todays Learning child	Child Care	22511607-5348	\$ 825.00
OSU Ext. Office	Grant	10011102-5601	\$ 71,500.00

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

RESOLUTION NO. 08-116

IN THE MATTER OF AMENDING RESOLUTION NO. 08-85 (AUTHORIZATION THE ADVANCE OF FUNDS FOR THE FILING OF AN APPLICATION WITH THE OHIO DEPARTMENT OF NATURAL

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RESOURCES) IN ORDER TO CLARIFY THE GRANT REQUEST:

It was moved by Mr. Ward, seconded by Mr. Evans to amended resolution NO. 08-85 to the following:

Whereas, the State of Ohio, through the Ohio Department of Natural Resources, administers financial assistance for public recreation purposes, through Recreational Trails Program (RTP) and/or the Clean Ohio Trails Fund (COTF), and

Whereas, the Village of Galena with assistance from the Delaware County Friends of the Trail (DCFT) is applying for a Recreational Trails grant to complete the bridge over the Big Walnut Creek on the property known as Kane’s Crossing owned by the Village of Galena, and

Whereas, the already existing bridge is structurally sound but needs to be finished with decking, rails etc for pedestrian/bicycle use, and

Whereas, the Village of Galena with assistance from the Delaware County Friends of the Trail (DCFT) are requesting that the County Commissioners “front” the money for the grant which is reimbursable. Total cost of the project based on 2 estimates is \$200,000 which includes engineering and design work, and

Whereas, The maximum grant award from the Recreational Trails fund is \$150,000. The Village of Galena will be requesting \$50,000 in matching funds (to equal \$200,000) from developers and homeowners associations who own land adjacent to the trail, as well as the Ohio to Erie Trail foundation, and

Whereas, this section of the trail is important for 2 reasons: 1) it is a very scenic part of the Ohio to Erie trail (which is now almost 80% completed) and 2) it provides a safe connection from several developments on the east side of Big Walnut creek into the Village of Galena, and

Whereas, the deadline for the grant is February 1, 2008.

NOW, THEREFORE, be it resolved by the Delaware County Commissioners that the Delaware County Commissioners do agree to advance the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms and conditions of the Clean Ohio Trail Fund Program, which obligation will be contingent on receipt of sufficient funding (grant \$200,000.00) from the state of Ohio Clean Ohio Trail Fund Program.

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

RESOLUTION NO. 08-117

IN THE MATTER OF ADOPTING A RESOLUTION AUTHORIZING THE ACCEPTANCE OF
PAYMENTS BY FINANCIAL TRANSACTION DEVICES FOR COUNTY EXPENSES:

It Was Moved By Mr. Evans, And Seconded By Mr. Ward To Approve The Following:

PREAMBLE

WHEREAS, the Board of Delaware County Commissioners (“Board”) believes it to be in the best interest of Delaware County and those paying County Expenses to authorize County Elected Officials to accept payments of County Expenses by Financial Transaction Devices; and,

WHEREAS, Ohio Revised Code Section 301.28 provides authority to county boards of commissioners to resolve to authorize the acceptance of payments of County Expenses by Financial Transaction Devices.

DEFINITIONS

As used in this Resolution, the following terms have the following meanings:

- (1) "Financial Transaction Device" includes a credit card, debit card, charge card, or prepaid or stored value card.
- (2) "County Expenses" includes fees, costs, taxes, assessments, fines, penalties, payments, or any other expense a person owes to a county office under the authority of a County Elected Official other than dog registration and kennel fees required to be paid under Chapter 955. of the Ohio Revised Code.
- (3) "County Elected Official" includes the county board of commissioners, county auditor, county treasurer, county engineer, county recorder, county prosecuting attorney, county sheriff, county coroner, and the clerk of the court of common pleas.

RESOLUTION

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

SECTION 1:

The Board, pursuant to authority provided under Ohio Revised Code Section 301.28, hereby authorizes, in accordance with the terms and provisions of this Resolution, the acceptance of payments for County Expenses by Financial Transaction Devices.

SECTION 2:

- A) The County Elected Officials hereby authorized to accept payments by Financial Transaction Devices are those included within the term "County Elected Official" as that term is defined in this Resolution.
- B) Those County Expenses that may be paid for through the use of a Financial Transaction Device are those included within the term "County Expenses" as defined in this Resolution.
- C) The types of Financial Transaction Devices that are an acceptable means of payment for County Expenses are those included within the term "Financial Transaction Device" as defined in this Resolution.
 - a. Uniform acceptance of Financial Transaction Devices among different types of County Expenses is not required.
- D) A surcharge or convenience fee may be charge to those persons making payment using a Financial Transaction Device.
 - a. The surcharge or convenience fee shall not be imposed unless authorized or otherwise permitted by the rules prescribed by an agreement governing the use and acceptance of the Financial Transaction Device.
 - b. Such surcharge or convenience fee shall not exceed 4% of the amount of the transaction or twenty dollars (\$20.00) if a flat fee is charged.
 - c. Uniform application of surcharges or convenience fees among different types of county expenses is not required.
 - d. If a person elects to make a payment to the county by a financial transaction device and a surcharge or convenience fee is imposed, the payment of the surcharge or fee shall be considered voluntary and the surcharge or fee is not refundable.
- E) Every county office accepting payment by a Financial Transaction Device, regardless of whether that office is subject to this Resolution, shall clearly post a notice in that office and shall notify each person making a payment by such a device about the surcharge or fee.
 - a. Notice to each person making a payment shall be provided regardless of the medium used to make the payment and in a manner appropriate to that medium.
 - b. Each notice shall include all of the following:
 - i. A statement that there is a surcharge or convenience fee for using a Financial Transaction Device;
 - ii. The total amount of the charge or fee expressed in dollars and cents for each transaction, or the rate of the charge or fee expressed as a percentage of the total amount of the transaction, whichever is applicable;
 - iii. A clear statement that the surcharge or convenience fee is nonrefundable.
- F) If a person makes payment by Financial Transaction Device and the payment is returned or dishonored for any reason, the person is liable to the County for payment of a penalty over and above the amount of the expense due. The amount of the penalty, shall be either a fee not to exceed twenty dollars (\$20.00) or payment of the amount necessary to reimburse the county for banking charges, legal fees, or other expenses incurred by the county in collecting the returned or dishonored payment, whichever is more. The remedies and procedures provided in this section are in addition to any other available civil or criminal remedies provided by law.
- G) No person making any payment by financial transaction device to a county office shall be relieved from liability for the underlying obligation except to the extent that the county realizes final payment of the underlying obligation in cash or its equivalent. If final payment is not made by the Financial Transaction Device issuer or other guarantor of payment in the transaction, the underlying obligation shall survive and the county shall retain all remedies for enforcement that would have applied if the transaction had not occurred.
- H) A County Elected Official or employee who accepts a financial transaction device payment in accordance with this section and any applicable state or local policies or rules is immune from

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personal liability for the final collection of such payments.

SECTION 3:

- A) The Delaware County Treasurer ("Treasurer") is hereby designated as the administrative agent to solicit, within guidelines established in this Resolution and in compliance with the procedures provided in Ohio Revised Code Section 301.28(C), proposals from financial institutions, issuers of financial transaction devices, and processors of financial transaction devices, to make recommendations about those proposals to the Board, and to assist county offices in implementing the county's financial transaction devices program.
- B) The Treasurer may decline this responsibility within thirty (30) days after receiving a copy of this Resolution by notifying the Board in writing within that period. If the Treasurer so notifies the Board, the Board shall perform the duties of the administrative agent.
- C) If the Treasurer is the administrative agent and fails to administer the county Financial Transaction Devices program in accordance with the guidelines in this Resolution, the Board shall notify the Treasurer in writing of the Board's findings, explain the failures, and give the Treasurer six (6) months to correct the failures. If the Treasurer fails to make the appropriate corrections within that six-month period, the Board may pass a resolution declaring the Board to be the administrative agent. The Board may later rescind that resolution at its discretion.

SECTION 4:

The following procedures and those provided in Ohio Revised Code Section 301.28(C) shall be followed whenever the County plans to contract with financial institutions, issuers of financial transaction devices, or processors of financial transaction devices for the purposes of implementing this Resolution and accepting Financial Transaction Devices for County Expenses.

- A) The administrative agent shall request proposals from at least three (3) financial institutions, issuers of financial transaction devices, or processors of financial transaction devices.
- B) Prior to sending any financial institution, issuer, or processor a copy of any such request, the county shall advertise its intent to request proposals in a newspaper of general circulation in the County once a week for two consecutive weeks. The notice shall state:
 - a. that the county intends to request proposals; and,
 - b. specify the purpose of the request; and,
 - c. indicate the date, which shall be at least ten days after the second publication, on which the request for proposals will be mailed to financial institutions, issuers, or processors; and,
 - d. require that any financial institution, issuer, or processor, whichever is appropriate, interested in receiving the request for proposals submit written notice of this interest to the county not later than noon of the day on which the request for proposals will be mailed.
- C) Upon receiving the proposals, the administrative agent shall review them and make a recommendation to the Board on which proposals to accept.
- D) The Board shall consider the agent's recommendation and review all proposals submitted, and then may choose to contract with any or all of the entities submitting proposals, as appropriate.
- E) The Board shall provide any financial institution, issuer, or processor that submitted a proposal, but with which the Board does not enter into a contract, notice that its proposal is rejected. The notice shall state the reasons for the rejection, indicate whose proposals were accepted, and provide a copy of the terms and conditions of the successful bids.

SECTION 5:

A copy of this Resolution shall be sent to each County Elected Official in the County who is authorized by this Resolution to accept payments by Financial Transaction Devices. After receiving this Resolution and before accepting payments by Financial Transaction Devices, a County Elected Official shall provide written notification to the Board of the official's intent to implement this Resolution within the official's office. Each county office subject to this Resolution may use only the financial institutions, issuers of Financial Transaction Devices, and processors of Financial Transaction Devices with which the Board contracts, and each such office is subject to the terms of those contracts.

SECTION 6:

If a county office under the authority of a County Elected Official is directly responsible for collecting one or more County Expenses and the County Elected Official determines not to accept payments by Financial

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Transaction Devices for one or more of those expenses, the office shall not be required to accept payments by Financial Transaction Devices, notwithstanding the adoption of this Resolution.

SECTION 7:

This Resolution shall take effect immediately or upon the earliest possible date allowed by law.

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

RESOLUTION NO. 08-118

IN THE MATTER OF APPROVING AN ORGANIZATIONAL KEY CHANGE, A TRANSFER OF APPROPRIATIONS AND SUPPLEMENTAL APPROPRIATIONS FOR THE PRETRIAL SUPERVISION GRANT:

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

Change Org Key Description

25822306	Pretrial Supervision 08		
Transfer of Appropriation			
From	To		
25822305-5001	25822306-5001	\$	35,319.71
Day Report 07/Compensation	Pretrial Supervision 08/Compensation		
25822305-5101	25822306-5101	\$	5,841.31
Day Report 07/Health Insurance	Pretrial Supervision 08/Health Insurance		
25822305-5102	25822306-5102	\$	764.04
Day Report 07/Workers Comp	Pretrial Supervision/Workers Comp		
25822305-5120	25822306-5120	\$	4,946.89
Day Report 07/PERS	Pretrial Supervision/PERS		
25822305-5131	25822306-5131	\$	514.02
Day Report 07/Medicare	Pretrial Supervision 08 /Medicare		
25822305-5201	25822306-5201	\$	3,134.62
Day Report/Office Supplies	Pretrial Supervision/Office Supplies		
25822305-5260	25822305-5348	\$	347.61
Day Report/Inv. Tools	Day Report/Client Services		
25822305-4509	25822306-4509	\$	40,000.00
Day Report/Federal Grant	Pretrial Supervision/Federal Grant		
25822305-4601	259223065-4601	\$	14,333.00
Day Report/Interfund	Pretrial Supervision/Interfund		
Supplemental Appropriation			
25822305-5246	Day Report/Lab Supplies	\$	(3,463.78)

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

RESOLUTION NO. 08-119

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

John Barron is resigning his position as Economic Development Director; Effective February 1, 2008.

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

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RESOLUTION NO. 08-120

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. Evans to adjourn into Executive Session at 10:05AM.

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

RESOLUTION NO. 08-121

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 11:40AM.

Vote on Motion Mr. Jordan Absent 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