

COMMISSIONERS JOURNAL NO. 50 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 13, 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. 08-289

IN THE MATTER OF ADOPTING RULES GOVERNING PUBLIC COMMENT BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO:

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

WHEREAS, the Board of County Commissioners of Delaware County, Ohio (the “Board”) has had a long history of allowing public comment on agenda and non-agenda items at the Board’s sessions; and

WHEREAS, the Board desires to continue allowing public comment at its sessions, in the spirit of a limited public forum; and

WHEREAS, in order to conduct sessions in an orderly and timely fashion, considering the Board’s duty to attend to matters of public business, the Board finds that reasonable time, place, and manner restrictions are necessary to regulate this limited public forum; and

WHEREAS, the Board desires to codify such time, place, and manner restrictions, so as to better inform the public of said restrictions and to foster the orderly conduct of public comment;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO:

The Board hereby adopts the following Rules governing public comment before the Board:

RULES GOVERNING PUBLIC COMMENT BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO

Rule 1. Title

These Rules shall be known as the “Rules Governing Public Comment before the Board of County Commissioners of Delaware County, Ohio.”

Rule 2. Applicability

These Rules shall apply to members of the general public who wish to speak before the Board of County Commissioners of Delaware County, Ohio (the “Board”) at a scheduled meeting of the Board.

Rule 3. Speaker Registration

A. Any member of the general public who wishes to speak before the Board shall be required to sign in on the Board’s Public Comment Register, which shall be located at the front desk of the lobby outside the Board’s Hearing Room prior to every scheduled session.

B. In the Public Comment Register, the individual wishing to speak shall provide his or her name, address, organization represented (if applicable), the resolution number of the agenda item to be addressed (if applicable), the subject for any non-agenda item to be addressed (if applicable), and if the individual will be speaking for or against the item (if applicable).

C. The Board encourages individuals to submit written testimony, material, and/or information to supplement their oral statements or testimony. Five (5) copies of any written testimony, material, and/or information to be distributed shall be filed with the Clerk of the Board prior to the scheduled start time for the session at which the individual wishes to speak.

D. Speaker registration must be completed personally by the individual wishing to speak on the day of the meeting. Speaker registration shall be completed prior to the scheduled start time for the session at which the individual wishes to speak.

E. Individuals are not permitted to complete speaker registration for others who wish to speak.

F. Board staff members are not permitted to complete speaker registration for members of the public wishing to speak, except in the case where the individual requires assistance due to injury or disability. In no event shall Board staff members be permitted to complete speaker registration over the telephone, or any other

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telecommunication, on behalf of members of the public wishing to speak.

G. The Board may disregard any speaker registration that is not completed in its entirety.

Rule 4. Limitations

A. For each session, individuals are permitted to register to speak on no more than two (2) items. Of the two (2) items, only one may be a non-agenda item.

B. For agenda items, speakers must only speak to the resolution indicated in the speaker registration. The Board will entertain three (3) speakers “for” and three (3) speakers “against” any resolution, recognizing speakers in the order in which they registered. Each speaker will be given three (3) minutes to speak.

C. For non-agenda items, there will be a limit of six (6) speakers, taken in the order in which they registered, with no more than three (3) speakers on any subject. Each speaker will be given three (3) minutes to speak. If the subject does not concern the legislative or administrative responsibilities of county government, the President of the Board may refer the speaker to another public forum and/or deny the request to speak.

Rule 5. Prohibitions

Speakers’ subject matter shall not contain obscenity, profanity, defamation or slander. Speakers shall not disrupt the order or decorum of the session. Speakers are expected to refrain from criminal behavior, including, but not limited to, riot (R.C. § 2917.03), disorderly conduct (R.C. § 2917.11), or disturbing a lawful meeting (R.C. § 2917.12).

Rule 6. President of the Board

A. The President of the Board is charged with preserving the order and decorum of the session and with ensuring that any public comment is pertinent to the issue of public business before the Board. Pursuant to that authority, the President of the Board is vested with the authority to enforce these Rules. If the President of the Board determines that these Rules are not being followed, one warning shall be given. If the Rules continue to be violated after one warning, the President of the Board may revoke the individual’s speaking privileges.

B. Any ruling pursuant to these Rules by the President is subject to appeal by another member of the Board. A majority vote is required to overrule the President’s ruling.

Rule 7. Public Comment Procedure

A. Immediately prior to the beginning of the session, the Clerk of the Board shall deliver the Public Comment Register to the President of the Board. Speakers shall be recognized in the order in which they registered.

B. Speakers shall not address the Board until they have been recognized by the President of the Board and called to the podium.

C. Once recognized, the speaker shall clearly state his or her name and the organization represented (if applicable).

Rule 8. Variance or Waiver

Any variance or waiver of these Rules, including, but not limited to, an extension of time restrictions, shall be by a majority vote of the Board.

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

RESOLUTION NO. 08-290

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM
REGULAR MEETING HELD MARCH 10, 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 March 10, 2008 as contained in the county’s official electronic recordings of the proceedings.

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

RESOLUTION NO. 08-291

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS, THEN AND NOW
CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0312:

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It was moved by Mr. Ward, seconded by Mr. Evans to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0312, and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>			
PO's						
William H Shepherd PE Inc.	Design Work at Transfer Station	68011916-5301	\$ 11,866.00			
Commissioners	Central Services Cost Allocation	66290301-5380	\$ 74,824.50			
Commissioners	Central Services Cost Allocation	66290401-5380	\$ 74,824.50			
Vouchers						
Kiddie Academy Lewis Center	Day Care	22411610-5348	\$ 19,731.34			
CEBCO	April 2008 Claims	60211902-5370	\$ 765,417.48			
Beems BP Distribution Inc.	Gasoline/Walker Woods	10011106-5228	\$ 10,281.82			
Lawn Greenkeeper LLC	Snow Removal	10011105-5325	\$ 14,475.00			
Vote on Motion	Mr. Ward	Aye	Mr. Jordan	Aye	Mr. Evans	Aye

RESOLUTION NO. 08-292

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Scott Gaines has transferred his employment from the Maintenance Department to the Sheriff's Office; effective date January 18, 2008.

Rhonda Griffith will require Leave With Out Pay for pay periods 0801008, 0801009, 0801010, 0801011, 0801012, 0801013.

Vote on Motion	Mr. Evans	Aye	Mr. Jordan	Aye	Mr. Ward	Aye
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RESOLUTION NO. 08-293

IN THE MATTER OF APPROVING AMENDMENT # 1 THE AGREEMENT BETWEEN DELAWARE COUNTY BOARD OF COMMISSIONERS AND DESIGN GROUP FOR DELAWARE COUNTY COURTHOUSE — PROGRAMMING & CONCEPTUAL DESIGN:

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

AMENDMENT # 1 to:

AIA Document B727-1988, Standard Form of Agreement between Delaware County Board of Commissioners (Owner) and Design Group (Architect) for Delaware County Courthouse — Programming & Conceptual Design

REVISE Paragraph 6.5 to read as follows:

"Except as otherwise set forth in Paragraph 6.5.1, nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against the Owner or Architect. Neither this section nor any other provision of this Agreement shall be interpreted as or operate as a waiver of subrogation."

ADD Paragraph 6.5.1 to read as follows:

"It is agreed that Design Group, Inc. shall secure engineering services ("engineer") for the Project at the request of Delaware County to perform for the existing project site:

- 1) a Survey of the site
- 2) a preliminary Geotechnical Survey of the site
- 3) a Phase 1 Environmental Survey for the site

For any and all work performed by the engineer as part of the three (3) work items described herein, Design Group, Inc. hereby assigns any and all of its rights under its contract with the engineer to Delaware County for Delaware County to enforce and/or address. Delaware County accepts this assignment and acknowledges that in the event of a claim by Delaware County in connection with any and all of the work items performed by engineer, Delaware County shall pursue the engineer directly, not through Design Group, Inc. and releases Design Group, Inc. from any and all liability arising therefrom. It is further agreed that should the engineer have a claim or seek redress of any of its contractual rights, it shall pursue Delaware County directly, not through

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Design Group, Inc. unless such claim of engineer results from the act or conduct of Design Group, Inc."

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

RESOLUTION NO. 08-294

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 LAND ACQUISITION:

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn into Executive Session at 10:00AM.

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

RESOLUTION NO. 08-295

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 11:02AM.

Vote on Motion Mr. Ward Aye Mr. Jordan Aye 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