

COMMISSIONERS JOURNAL NO. 51 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MAY 8, 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. 08-534

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD MAY 5, 2008 AS CONTAINED IN THE COUNTY’S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Evans, seconded by Mr. Ward to approve the resolutions and records of the proceedings from regular meeting held May 5, 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. 08-535

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0507 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0507:

It was moved by Mr. Ward, seconded by Mr. Evans to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0507, memo transfers in batch numbers MTAPR0507 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
PO’s			
Verizon	Phones	22411604-5330	\$ 8,425.13
Commissioners	Rent CSEA	23711630-5335	\$ 90,242.04
Commissioners	Indirect Costs	23711630-5380	\$ 25,152.00
Increases			
Patricia Jones	Day Care	22411610-5348	\$ 10,000.00
Brianna Kinniard	Day Care	22511607-5348	\$ 3,000.00
Vouchers			
Petroleum Traders	Gasoline	10011106-5228	\$ 24,173.56
Siemens	Bioxide Chemical	66290407-5290	\$ 12,139.38
Amanda Plumbing	Transfer Station	68011916-5328	\$ 5,200.00
Cintas	Uniform	66290305-5336	\$ 764.32
AEP	Electrical Services Pump Stations	66291002-5338	\$ 11,598.35
Ameritas Group Dental	April Premiums For May	75010903-5370	\$ 20,555.80
Pitney Bowes	Postage for County Offices	10011105-5331	\$ 20,000.00
Sunbelt	Disaster Recovery	21411306-5450	\$ 15,026.25
Horton Emergency	Medic	10011303-5450	\$ 132,905.07
CEBCO	June Claims	60211902-5370	\$ 794,883.08
G&G Enterprises	Jones Timms Ditch	40311422-5430	\$ 47,074.84

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

RESOLUTION NO. 08-536

IN THE MATTER OF RECOGNIZING THE MONTH OF MAY 2008 AS AMYOTROPHIC LATERAL SCLEROSIS AWARENESS MONTH IN DELAWARE COUNTY, OHIO:

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

Amyotrophic Lateral Sclerosis Awareness Month

WHEREAS, Amyotrophic lateral sclerosis or ALS is better known as Lou Gehrig's disease; and

WHEREAS, ALS is a fatal neurodegenerative disease characterized by degeneration of cell bodies of the lower motor neurons in the gray matter of the anterior horns of the spinal cord; and

WHEREAS, As ALS progresses the patient experiences difficulty in swallowing, talking, and breathing, and ALS eventually causes muscles to atrophy and the patient becomes a functional quadriplegic; and

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WHEREAS, ALS does not affect a patient's mental capacity, so that the patient remains fully alert and aware of his or her loss of motor functions and the inevitable outcome of continued deterioration and death; and

WHEREAS, ALS occurs in adulthood, most commonly between the ages of 40 to 70 years, with the peak age about 55 years, and affects men two to three times more often than women; and

WHEREAS, Over 5,000 ALS patients are diagnosed annually and an equal number perish; and

WHEREAS, Over 250,000 people alive today will succumb to ALS and multiples of that number will fall victim to its effects; and

WHEREAS, On average, patients diagnosed with ALS only survive two to five years from the time of diagnosis; and

WHEREAS, research indicates that military veterans are at a 50% or greater risk of developing ALS than those who have not served in the military; and

WHEREAS, ALS has no known cause, means of prevention, or cure; and

WHEREAS, Amyotrophic Lateral Sclerosis Awareness Month increases the public's awareness of ALS patients' circumstances and acknowledges the terrible impact this disease has not only on the patient but on his or her family as well, and recognizes the research being done to eradicate this horrible disease; now, therefore, be it

Resolved by the Board of Commissioners, Delaware County, Ohio, jointly, that the Body hereby proclaims the month of May 2008 as Amyotrophic Lateral Sclerosis Awareness Month in Delaware County, Ohio; and be it further

Resolved, it is critical to the struggle to defeat this terrible disease that the people and leaders of our community, and indeed our entire country, be educated and aware of the disease, as well as the issues confronting those who are affected by it. A paper entitled “*ALS in the Military, Unexpected Consequences of Military Service*” outlines that military veterans are at a 50% or greater risk of developing ALS than those that have not served in the military. It is only through increased awareness that elected officials, medical researchers and health care professionals will give ALS patients the attention that they need and deserve.

Resolved, that the Commissioners urge the citizens of the County to educate themselves further as to the tremendous challenges facing the victims, their families and the researchers attempting to defeat this insidious disease.

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

RESOLUTION NO. 08-537

IN THE MATTER OF SETTING A HEARING, PURSUANT TO R.C. 6131.44, ON THE CONTRACT WITH PAGE EXCAVATING FOR THE IMPROVEMENTS TO THE BASINGER DITCH:

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

WHEREAS, on August 9, 2007, the Delaware County Board of Commissioners (the “Board”) executed a contract with Page Excavating (the “Contractor”) for the furnishing of all the necessary material, labor, and equipment required to complete the project known as the Basinger Ditch Improvement (the “Project”); and

WHEREAS, with the contract, the Contractor furnished a surety bond, with West Bend Mutual Insurance Company and National Specialty Insurance, through the Arnold Insurance Agency, as surety; and

WHEREAS, the contract set forth a final completion date for the entire Project, including all laterals, of April 25, 2008; and

WHEREAS, the Board granted an extension for Phase I of the Project on December 20, 2007, but the extension left unchanged the final completion date of April 25, 2008; and

WHEREAS, the Contractor has not completed the work on the Project within the time stated in the contract;

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

Section 1. The Board hereby gives notice, pursuant to section 6131.44 of the Revised Code, to the Contractor, and its surety, of a hearing on the matter of the work on the Project not being completed within the time stated in the contract. The hearing shall be before this Board on **Thursday, May 22, 2008, at 10:00 A.M.**, at the Commissioners’

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Hearing Room at 101 North Sandusky Street, Delaware, Ohio 43015.

Section 2. The Board hereby directs the Clerk of the Board to cause a certified copy of this Resolution to be served upon the Contractor, both personally and by registered mail, and its surety via registered mail.

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

RESOLUTION NO. 08-539

IN THE MATTER OF AMENDING, AS PRESENTED, RESOLUTION 08-538 (ESTABLISHING A COUNTY PUBLIC DEFENDER COMMISSION) TO INCLUDE THE EFFECTIVE DATE OF MAY 8, 2008 IN SECTION II:

It was moved by Mr. Evans, seconded by Mr. Ward to amend, as presented, resolution 08-538 (Establishing A County Public Defender Commission) to include the effective date of May 8, 2008 in section II.

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

RESOLUTION NO. 08-538

A RESOLUTION ESTABLISHING A COUNTY PUBLIC DEFENDER COMMISSION (AS AMENDED WITH RESOLUTION NO. 08-539):

The Board of County Commissioners of the County of Delaware, Ohio met in regular session on May 8, 2008, at the Commissioners Hearing Room, 101 North Sandusky Street, Delaware, Ohio 43015, with the following members present:

Glenn A. Evans, Commissioner
Kristopher W. Jordan, Commissioner
James D. Ward, Commissioner

Commissioner Ward moved the adoption of the following resolution:

WHEREAS, pursuant to section 120.13(A) of the Revised Code, the county commissioners in any county may establish a county public defender commission; and

WHEREAS, in Resolution No. 05-1443, adopted on October 24, 2005, the Delaware County Board of Commissioners (the “Board”) re-established a Delaware County Public Defender Commission; and

WHEREAS, no appointments were made to the commission created by Resolution No. 05-1443 and no date for establishment was set; and

WHEREAS, due to the increasing costs of the county’s current appointed counsel system, the Board recommends considering an alternative form of providing legal representation to indigents in Delaware County; and

WHEREAS, the establishment of a county public defender commission is the proper body to consider alternative forms of providing legal representation to indigents in Delaware County;

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

Section I. Pursuant to section 120.13(A) of the Revised Code, the Board hereby establishes the Delaware County Public Defender Commission (the “Commission”), which shall consist of five members, three of whom shall be appointed by the Board, and two by the presiding judge of the Court of Common Pleas of the Delaware County. At least one member appointed by each of these appointing bodies shall be an attorney admitted to the practice of law in this state.

Section II. The Commission shall be formally established, and the appointments of all members thereof shall take effect, on May 8, 2008. The Board hereby directs the Clerk of the Board to certify a copy of this Resolution to the Ohio Public Defender Commission, thereby notifying that body of the date of establishment.

Section III. In accordance with the requirements of sections 120.13(A) and (C), the Board shall, by separate Resolutions, make the following appointments to the Commission:

- (1) Two members who shall serve terms commencing on the date of establishment in Section II of this Resolution and expiring two years thereafter; and
- (2) One member who shall serve a term commencing on the date of establishment in Section II of this Resolution and expiring four years thereafter.

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At least one of the Board’s appointments shall be an attorney admitted to the practice of law in this state.

Section IV. The Board hereby requests that the presiding judge of the Court of Common Pleas of Delaware County appoint two additional members to the Commission, at least one of whom is an attorney admitted to the practice of law in this state.

Commissioner Evans seconded the motion, and the roll was called on the question of its adoption. The vote was as follows:

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

RESOLUTION NO. 08-540

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR THE DELINQUENT TAX FUND:

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

Supplemental Appropriation

23512102-5361	Delinquent Tax Prosecutor/Attorney Services	\$	12,500.00
24414102-5361	Delinquent Tax Treasurer/Attorney Services	\$	12,500.00

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

RESOLUTION NO. 08-541

IN THE MATTER OF APPROVING THE SUBGRANT AGREEMENT BETWEEN THE DELAWARE COUNTY COMMISSIONERS, DELAWARE AND THE OHIO DEPARTMENT OF JOB AND FAMILY SERVICES:

It was moved by Mr. Ward, seconded by Mr. Evans to approve The Subgrant Agreement Between The Delaware County Commissioners, Delaware And The Ohio Department Of Job And Family Services.

(A copy of the agreement is available in the Commissioners Office until no longer of administrative value).

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

RESOLUTION NO. 08-542

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Jennifer Franklin is resigning her position with the Child Support Enforcement Agency; effective date May 16, 2008.

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

RESOLUTION NO. 08-543

IN THE MATTER OF AMENDING THE SUPPLEMENTAL APPROPRIATION ASSOCIATED WITH RESOLUTION 08-496:

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

Whereas an incorrect organization key was used in Resolution No 08-496 , it is necessary to make the following corrections.

Supplemental Appropriation			Amount
28129204-5260	Common Pleas Data Fund/Inventoried Tools	\$	(1,200.00)
28129204-5250	Common Pleas Data Fund/Minor Tools	\$	(6,900.00)
28129204-5220	Common Pleas Data Fund/Software	\$	(900.00)
Transfer of Appropriation			
From	To		
28229205-5301	28229205-5250	\$	5000.00
Legal Research / Prof Services	Legal Research/Minor Tools		

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

RESOLUTION NO. 08-544

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR THE ECONOMIC
DEVELOPMENT DEPARTMENT:

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

Transfer of Appropriation		
From	To	
21011113-5001	21011113-5301	
Economic Development/Compensation	Economic Development/Professional Services	\$ 67,000.00
21011113-5101	21011113-5301	
Economic Development/Hospital Insurance	Economic Development/Professional Services	\$ 12,100.00
21011113-5120	21011113-5301	
Economic Development/PERS	Economic Development/Professional Services	\$ 10,000.00
21011113-5131	21011113-5301	
Economic Development/Medicare	Economic Development/Professional Services	\$ 900.00

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

SHERIFF DAVIS: INFORMATION TO COMMISSIONERS ON POSSIBLE CONTRACT WITH THE
UNITED STATES MARSHALS SERVICE FOR CONFINEMENT OF FEDERAL PRISONERS IN THE
COUNTY JAIL

RESOLUTION NO. 08-545

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR PENDING OR IMMINENT
LITIGATION AND FOR LAND ACQUISITION:

It was moved by Mr. Jordan, seconded by Mr. Ward to adjourn into Executive Session at 10:45AM.

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

RESOLUTION NO. 08-546

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Evans, seconded by Mr. Ward to adjourn out of Executive Session at 11:30AM.

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