

COMMISSIONERS JOURNAL NO. 52 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 5, 2009

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

Present: Todd Hanks, Ken O'Brien, Tommy Thompson

RESOLUTION NO. 09-245

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD MARCH 2, 2009:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on March 2, 2009; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.11 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the electronic record of proceedings at the previous meeting.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

PUBLIC COMMENT

DEPUTY RONALD VOGEL, MEDAL OF MERIT

RESOLUTION NO. 09-246

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0304 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0304:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0304, memo transfers in batch numbers MTAPR0304, and Purchase Orders as listed below:

PR Number	Vendor Name	Line Desc	Line Account	Line Amount	Line Number
R0903216	USA BLUEBOOK	1300 REPLACEMENT SNAP CAPS FOR STORAGE TANKS 6	66290306 - 5270	\$5,200.00	0001
R0903327	DOWNES HURST & FISHEL ATTYS	PROFESSIONAL LEGAL SERVICES	10011303 - 5361	\$10,000.00	0001
R0903331	BLACK,LAURA	DAY CARE	22411610 - 5348	\$10,000.00	0001
R0903373	ZIMMERMAN & CO INC	REPAIR OF MISC PIPING AND EQUIPMENT	66290306 - 5328	\$5,000.00	0001
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R0903402	MOTOROLA INC	2009 MAINTENANCE CONTRACT	21411306 - 5325	\$628,527.90	0001
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Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-247

IN THE MATTER OF GRANTING THE ANNEXATION PETITION OF 0.46 ACRES OF LAND IN DELAWARE TOWNSHIP TO THE CITY OF DELAWARE:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following resolution:

Whereas on February 5, 2009, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Thomas L. Hart with Wiles, Boyle, Burkholder & Bringardner, Co. Lpa, Agent for the Petitioners, Of 0.46 Acres Of Land In Delaware Township To The City Of Delaware, and

Whereas, ORC Section 709.023-Expedited Type 2 Annexation Petition; Petitions By All Property Owners With Or Without Consent of Municipality & Township(s) – If the Municipality or Township does not file an objection within 25 days after filing of annexation, the Board at its next regular session shall enter upon its journal a resolution granting the proposed annexation.

Whereas, 25 days have passed and the Clerk of the Board has not received an objection from the City of Delaware or the Township of Delaware.

Therefore, Be It Resolved, the Delaware County Board of Commissioners grants the annexation petition request to annex 0.46 Acres Of Land In Delaware Township To The City Of Delaware.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09 -248

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

Juvenile Court is requesting that Magistrate Sharon McCollister attend an AFCC Annual Conference on Children, Courts and Custody in New Orleans, Louisiana May 27-30, 2009, at the cost of \$1,665.20.

Juvenile Court is requesting that Faith Walzak, Pat Martin and Dodie Davenport attend an AFCC Annual Conference on Children, Courts and Custody in New Orleans, Louisiana May 27-30, 2009, at the cost of \$5,195.60.

The EMS Department is requesting that Rob Farmer attend a House Bill 9 Training in Columbus, Ohio March 30, 2009, at no cost.

The Environmental Services Department is requesting that Chad Antle attend a DeWatering Facility Design Seminar at Malcolm Pirnie March 11, 2009, at the cost of \$25.00.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 09-249

IN THE MATTER OF APPOINTING STEPHANIE STEPHENS AS INTERIM OPERATIONS MANAGER FOR THE 911 COMMUNICATIONS CENTER AND APPROVING THE INTERGOVERNMENTAL AGREEMENT FOR INTERIM 911 COMMUNICATIONS DIRECTOR SERVICES:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

Whereas the Delaware County Board of Commissioners desire to hire on an interim basis both a 911 Communications Director and Operations Manager to oversee the County 911 Communications Center;

Whereas the Delaware County Board of Commissioners is contracting with the City of Delaware via an Intergovernmental Agreement for the services of the Interim 911 Communications Director;

Therefore, be it resolved that the Delaware County Board of Commissioners hereby approves the Intergovernmental Agreement with the City of Delaware for the services of the Interim 911 Communications

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Director;

Therefore, be it further resolved that the Delaware County Board of Commissioners hereby appoint Stephanie Stephens as the Interim Operations Manager of the 911 Communications Center;

INTERGOVERNMENTAL AGREEMENT

**BETWEEN DELAWARE COUNTY AND THE CITY OF DELAWARE FOR PROVISION OF AN INTERIM
DIRECTOR FOR THE 9-1-1 CENTER**

Section 1 – Parties to the Agreement:

Agreement made and entered into this 5th day of March, 2009, by and between the Delaware County Board of Commissioners, Delaware County, Ohio (“County”), and the City of Delaware (“City”).

Section 2 – Contract Administrator:

The County hereby designates the Delaware County Administrator as Administrator and agent of the County for purposes of this Agreement. The Administrator shall have general supervision over the Services and authority to order commencement or suspension of Services

Section 3 – Scope of Services:

Pursuant to R.C. 307.15 and Section 5 of the Delaware City Charter, the City shall provide to the County one current City employee, namely Capt. Bruce Pijanowski of the Delaware Police Department, to serve as interim director of the 9-1-1 communications center. The Services provided shall be in accordance with the approved job description for said position, which is attached hereto as Exhibit A and, by this reference, fully incorporated herein.

Section 4 – Compensation:

Compensation for Services performed under this Agreement shall be at a rate of \$52.47 per hour.

Section 5 – Payment:

Compensation shall be based upon monthly invoices provided by the City, which said invoices shall provide a breakdown of the hours Capt. Pijanowski worked during the applicable monthly invoice period. The County agrees to promptly pay the invoice upon verification thereof.

Section 6 – Term:

This Agreement shall take immediate effect upon passage by the respective legislative authorities for the County and the City. The Services required under this Agreement shall be provided until such time as a permanent 9-1-1 director is hired and assumes his or her responsibilities.

Section 7 – Insurance:

While this Agreement is in effect, the County and City mutually agree to maintain such insurance as required by law and as is necessary to provide appropriate coverage for the obligations and individuals contemplated within this Agreement.

Section 8 – Liability:

The County and the City mutually agree to be responsible for their own actions and omissions, and the actions or omissions of their respective officers, employees, agents, and persons for whom they are otherwise liable, arising from or relating to the Services rendered hereunder.

Section 9 – Termination of Agreement:

This agreement may be terminated immediately by either party upon written notification received by the other party. Written notification may include writings transmitted by electronic means.

Section 10 – Change of Staff:

The City shall notify the County, immediately and in writing, of any change to the status of the employee designated in Section 3. Upon said notice, the County and/or City may terminate this Agreement and recover a prorated share of any costs already incurred.

Section 11 – Miscellaneous Terms & Conditions:

- 11.1 Entire Agreement: This Agreement, and those documents incorporated by reference herein, shall constitute the entire understanding and agreement between the County and the City, 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.
- 11.2 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.
- 11.3 Headings: The subject headings of the Sections and Subsections in this Agreement are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions.

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This Agreement shall be deemed to have been drafted by both parties and no purposes of interpretation shall be made to the contrary.

- 11.4 Waivers: No waiver of breach of any provision of this Agreement shall in any way constitute a waiver of any prior, concurrent, subsequent, or future breach of this Agreement or any other provision hereof. No term or provision of this Agreement shall be deemed waived, and no breach excused, unless such a waiver or consent is expressly made in writing and signed by the party claimed to have waived or consented. Such waiver shall not constitute and shall not in any way be interpreted as a waiver of any other term or provision or future breach unless said waiver expressly states an intention to waive another specific term or provision or future breach.
- 11.5 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.
- 11.6 Employment Status of City Designee: City agrees that no agency, employment, joint venture, or partnership has been or will be created between the County and the City's designee in Section 3 pursuant to the terms and conditions of this Agreement and that the designee shall at all times be considered an employee of the City. City also agrees to assume all responsibility for any federal, state, municipal, or other tax liabilities along with workers compensation, unemployment compensation, and insurance premiums which may accrue as a result of the Services rendered hereunder.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 09-250

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

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

Whereas, Delaware County contracts with Child Care providers in accordance with state and federal regulations, and

Whereas, the Director of Jobs & Family Services recommends approval of the following contracts

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the following contracts for Child Care providers:

BASIC RATES

Full-time Week for Licensed Center and Type A Providers: 25 to 60 hours

Hourly: Paid after 60 hours

Part-time Week for Center and Type A Providers: 8 hours to 24.9 hours

Hourly Paid for .1 hour to 7.9 hours

Full-time Week for Certified Type B Home Providers: 25 hours to 50 hours

Hourly: Paid after 50 hours

Part-time Week for Home Providers: 8 hours to 24.9 hours

Hourly Paid for .1 hour to 7.9 hours

Shirley Halker
9285 Mills Rd.,
Ostrander, Oh 43061

Infants		Toddlers		Preschool		School	
\$147.34	Full-time Wk	\$143.00	Full-time Wk	\$132.58	Full-time Wk	\$118.55	Full-time Wk
\$108.33	Part-time Wk	\$110.72	Part-time Wk	\$112.42	Part-time Wk	\$ 89.61	Part-time Wk
\$ 5.17	Hourly	\$ 4.88	Hourly	\$ 5.77	Hourly	\$ 5.28	Hourly
SUMMER:		Full Time		Part Time		Hourly	
		\$130.73		\$ 94.89		\$ 6.08	

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Darlene Hill
2916 Smeltzer Rd.,
Marion, Oh 43302,

Infants	Toddlers	Preschool	School
\$114.00 Full-time Wk	\$115.07 Full-time Wk	\$111.07 Full-time Wk	\$104.30 Full-time Wk
\$ 81.65 Part-time Wk	\$ 80.41 Part-time Wk	\$ 82.04 Part-time Wk	\$ 69.12 Part-time Wk
\$ 2.50 Hourly	\$ 2.50 Hourly	\$ 2.50 Hourly	\$ 2.00 Hourly
SUMMER:	Full Time	Part Time	Hourly
	\$108.00	\$ 85.49	\$ 2.50

(A copy of each of these contacts is available in the Commissioners' Office until no longer of administrative value).

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-251

SETTING DATE AND TIME FOR REQUEST FOR PROPOSALS FOR TELECOMMUNICATION/UTILITIES AUDIT SERVICES FOR DELAWARE COUNTY, OHIO:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

PUBLIC NOTICE
REQUEST FOR Proposals
Telecommunication/Utilities Audit Services
BOARD OF COMMISSIONERS
DELAWARE COUNTY, OHIO

The complete Request for Proposals is posted on the internet and may be viewed on Delaware County's web page at <http://www.co.delaware.oh.us> under the heading Current Bids or may be obtained from the Delaware County Facilities Management Office, 1405 US 23 North, Delaware, Ohio during normal business hours.

The Delaware County Commissioners wish to receive proposals from providers of telecommunication and/or utility audit services for Delaware County.

Any proposals submitted to Delaware County, Ohio are to be prepared at the submitter's expense. Delaware County reserves the right to reject any and all proposals in whole or in part. Acceptance of a proposal shall not constitute an agreement between the submitter and Delaware County. Delaware County shall have no liability whatsoever to any submitter whose proposal is not accepted.

Proposals will be received at the Delaware County Commissioners' Office, Attention: Mr. Jon Melvin, Facilities Supervisor, 101 North Sandusky Street, Delaware, Ohio 43015 until **4:00 p.m. on Thursday March 26, 2009**. Only one (1) original is to be included. Submittals pursuant to this invitation will not be received after the hour and date stated above.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-252

IN THE MATTER OF DECLARING PERSONAL PROPERTY OBSOLETE, UNFIT, OR NOT NEEDED FOR PUBLIC USE AND AUTHORIZING THE DISPOSAL, PRIVATE SALE, OR INTERNET AUCTION OF CERTAIN PERSONAL PROPERTY:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

Office/Dept.	Asset No.	Manufacturer	Model/Description	Serial No.	Condition
Maintenance		Wheel Horse	1276 Garden Tractor		Fair
		Dunkirk Radiator Corp	Water Boiler		Good
Sanitary Engineer		Jeep	1998 Cherokee	1J4FJ27SXWL190921	Salvage

NOW THEREFORE BE IT RESOLVED, that the board of Commissioners of Delaware County, State of Ohio, declare the above personal property obsolete, unfit, or not needed for public use and the fair market value of each item listed is less than \$2,500.00 and authorize the disposal, private sale, or internet auction as set by the Ohio

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Revised Code Section 307.12.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 09-253

IN THE MATTER OF DECLARING PERSONAL PROPERTY OBSOLETE, UNFIT, OR NOT NEEDED FOR PUBLIC USE AND AUTHORIZING THE PUBLIC AUCTION, PRIVATE SALE, INTERNET AUCTION, OR DISPOSAL OF CERTAIN PERSONAL PROPERTY:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

WHEREAS, Delaware County throughout the year will have miscellaneous office furniture, chairs, filing cabinets, shelving, miscellaneous minor office equipment, computers, monitors, printers, fax machines, copiers, typewriters, miscellaneous building hardware and materials, and minor tools and equipment which are not needed for public use, or are obsolete or unfit for the use for which they were acquired.

NOW THEREFORE BE IT RESOLVED, that the board of Commissioners of Delaware County, State of Ohio, declare that when the above type of personal property becomes obsolete, unfit, or not needed for public use and when the estimated fair market value of each item is less than \$500.00, authorize the public auction, private sale, internet auction, or the disposal or salvage of property that has no value, as set by the Ohio Revised Code Section 307.12.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-254

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

Recommendation to approve an End Of Probation raise for Matthew Lambert with the Sanitary Engineer's Department; effective February 21, 2009.

Recommendation to approve an End Of Probation raise for Josh Phillips with the Environmental Services Department; effective February 21, 2009.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

COMMISSIONERS' COMMITTEES REPORTS

(For a complete record refer to the Official CD minutes)

Commissioner O'Brien

-no reports

-questions on next steps for 911 board (agreement will go before the city)

-proposes that Commissioner Hanks look into budget priorities and bring suggestions/plan back to full board.

Commissioner Hanks

-The county will get thru the rough economic times

-has suggestion on 6 possible funds that could be reduced to help with budget concerns

Commissioner Thompson

-budget calls

-does not want layoffs

Auditor George Kaitsa

-the Auditor's Office will be withdrawing the bid to run the BMV at the Willis Building.

-the possibility of relocating the current County BMV to a location approved by the State BMV will be explored.

Commissioners discuss budget ideas

RESOLUTION NO. 09-255

IN THE MATTER OF REQUESTING COMMISSIONER HANKS TO STUDY, PREPARE AND PRESENT PROPOSED BUDGET ADJUSTMENTS FOR THE BOARD OF COMMISSIONERS:

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It was moved by Mr. O'Brien, seconded by Mr. Thompson to approve the following:

Whereas, the current economic situation has affected the Delaware County 2009 budget, and

Whereas, the Delaware County Budget Commission has issued an amended certificate that requires changes to the budget to be in compliance with state laws and regulations, and

Whereas, Commissioner Hanks financial background and experience qualify him as the most experienced to study, prepare and present proposed changes to the budget, and

Whereas, Commissioner Hanks has access to budgetary information that will allow him to gather the information to present suggested budget cuts, transfer of funds or revenue enhancements for consideration by the full Board of Commissioners, and

Whereas, the Board of Commissioners must consider a multi-year plan that will put the County on stable financial footing for the foreseeable future, and

Whereas, the Board of County Commissioners must consider operational, capital and reserve needs of the county, and

Whereas, the Board must set a plan based on the priorities of the County with the lowest taxes to county residents, and

Whereas, the Board of County Commissioners would like to review this information as soon as possible to determine the course of action to correct the current budget situation.

THEREFORE BE IT RESOLVED BY the Board of Commissioners of Delaware County:

1. That the Board of Delaware County Commissioners request and authorize Commissioner Todd Hanks to study, prepare and present proposed budget options including proposed prioritized cuts, proposed prioritized transfer of funds, and proposed prioritized revenue enhancements to the full Board of Commissioners.
2. Written proposals will be available to the full Board by March 26, 2009 for consideration and possible action at the March 30, 2009 meeting.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-256

IN THE MATTER OF RESCINDING THE COUNTY RESERVE FUND #20811111 (\$933,377.25):

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

Transfer of Funds		Amount
From	To	
20811111-5801	10011102-4601	\$933,377.25
County Reserve Fund-Transfer	General Fund-Transfer-in	

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-257

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. Thompson, seconded by Mr. Hanks to adjourn into Executive Session at 7:08PM.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-258

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to adjourn out of Executive Session at 7:35PM.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

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RESOLUTION NO. 09-259

IN THE MATTER OF ADJOURNING THE MEETING:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to adjourn the meeting.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

Todd Hanks

Ken O'Brien

Tommy Thompson

Letha George, Clerk to the Commissioners