

**COMMISSIONERS JOURNAL NO. 52 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD AUGUST 6, 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

9:45 AM Public Hearing #2 To Consider Using Revolving Loan Funds (RLF) To Assist In Conducting An Interchange Modification Study For The Interchange Of US 36 & I-71 In Delaware County, Ohio

RESOLUTION NO. 09-958

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD AUGUST 3, 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 August 3, 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

RESOLUTION NO. 09-959

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM EMERGENCY MEETING HELD AUGUST 4, 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 Emergency session on August 4, 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

**PRESENTATION/DISCUSSION BILL LAFAYETTE, PHD COLUMBUS CHAMBER SENIOR ECONOMIST
BLUE CHIP THIRD QUARTER ECONOMIC FORECAST
Refer to CD minutes for entire record**

RESOLUTION NO. 09-960

9:45 AM-IN THE MATTER OF OPENING THE PUBLIC HEARING #2 TO CONSIDER USING REVOLVING LOAN FUNDS (RLF) TO ASSIST IN CONDUCTING AN INTERCHANGE MODIFICATION STUDY FOR THE INTERCHANGE OF US 36 & I-71 IN DELAWARE COUNTY, OHIO:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to open the hearing.

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

RESOLUTION NO. 09-961

IN THE MATTER OF CLOSING THE PUBLIC HEARING # 2 TO CONSIDER USING REVOLVING LOAN FUNDS (RLF) TO ASSIST IN CONDUCTING AN INTERCHANGE MODIFICATION STUDY FOR THE INTERCHANGE OF US 36 & I-71 IN DELAWARE COUNTY, OHIO:

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It was moved by Mr. O'Brien, seconded by Mr. Hanks to close the hearing.

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

RESOLUTION NO. 09-962

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0805, CMAPR0805WC, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0805:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0805, CMAPR0805WC, memo transfers in batch numbers MTAPR0505, and Purchase Orders as listed below:

PR Number	Vendor Name	Line Desc	Line Account	Line Amount	Line Number
R0905738	DELL	DELL MINI	22311614 - 5260	\$10,300.00	0001
	MARKETING LP	TOWERS			

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO'S Decreases			
Pomegranate	Residential Treatment	22511607-5342	\$ 4,000.00
Ponegranate	Residential Treatment	22511607-5342	\$ 4,000.00
Starr Commonwealth	Residential Treatment	22511607-5342	\$ 3,000.00
Jobs For Ohio Graduates	Tuition Program JFS	22311611-5348	\$50,000.00
Sky Climber	Tuition Program JFS	22311611-5348	\$ 7,500.00
Family Children's First	After School Program	22411601-5348	\$10,000.00
Tri State	Residential Treatment	22511607-5342	\$ 775.00
Maryhaven	Residential Treatment	22511607-5342	\$ 8,000.00
Christian Childrens	Residential Treatment	22511607-5342	\$ 1,750.00
TLP	Youth Screening	22411601-5348	\$ 2,526.05
Via Quest	Residential Treatment	22511607-5350	\$ 4,500.00
United Methodist Children	Residential Treatment	22511607-5350	\$ 3,200.00
Advantage Adoption	Residential Treatment	22511607-5342	\$ 3,000.00
PO'S Increases			
Kemmerling	Residential Treatment	22511607-5350	\$ 3,000.00
Misti McVey	Board and Care	22511607-5350	\$ 5,000.00
John Quail	Board and Care	22511607-5350	\$ 2,000.00
Doug Swan	Board and Care	22511607-5350	\$ 5,000.00
Tonya Halford	Board and Care	22511607-5350	\$ 4,000.00
Eric Mason	Board and Care	22511607-5350	\$ 2,000.00
Village Network	Residential Treatment	22511607-5342	\$ 5,000.00

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

RESOLUTION NO. 09 -963

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Administrative Services Department is requesting that Lisa Iannotta attend a House Bill 1 Seminar on Furlough Authority in Columbus, Ohio August 12, 2009; at no cost.

The Auditor's Office is requesting that Seiji Kille attend the BI-Tech Software National Users Group Conference in St. Louis, Missouri October 7-10, 2009, at the cost of \$1,385.40. (Fund Number 10011101).

Juvenile Court is requesting that Lisa Lemaster and Tamar Fowler attend a Skills Module II- Safety in Search and Seizure Training in London, Ohio; at the cost of \$180.00. (Fund Number 27826325).

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

RESOLUTION NO. 09-964

A RESOLUTION OF NECESSITY FOR LEVYING A TAX EXCEEDING THE TEN-MILL LIMITATION TO PROVIDE THE CONSTRUCTION OR ACQUISITION OF A COUNTYWIDE OUTDOOR WARNING SIREN SYSTEM:

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

PREAMBLE

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") has determined that the amount of taxes which may be raised within the ten mill limitation will be insufficient to provide an adequate amount for the necessary requirements of Delaware County, Ohio, as expressed herein; and

WHEREAS, a resolution declaring the necessity of levying a tax, pursuant to R.C. 5705.19, outside the ten-mill limitation must be passed and certified to the county auditor of Delaware County in order to permit the Board to consider the levy of such a tax and must request that the county auditor certify to the Board the total current tax valuation of Delaware County, as well as the dollar amount of revenue that would be generated by a specified number of mills or the number of mills required to generate a specified amount of revenue; and

WHEREAS, the levy proceeds would reimburse the City of Delaware, Village of Sunbury, Scioto Township, and Village of Galena at a prorated amount for sirens as to prevent the double taxation of those residents;

RESOLUTION

NOW THEREFORE, BE IT RESOLVED, by the Board, at least two-thirds of all members elected thereto concurring, that it is necessary to levy an additional tax in excess of the ten-mill limitation for the benefit of Delaware County for the purpose of the construction or acquisition of any specific permanent improvement or class of improvements that the taxing authority of the subdivision may include in a single bond issue, said purpose being authorized by R.C. 5705.19(F);

BE IT FURTHER RESOLVED, by the Board, that the specific purpose of the additional tax in excess of the ten-mill limitation for the benefit of Delaware County is for the construction or acquisition of a countywide outdoor warning siren system that will be owned by the Delaware County Office of Homeland Security and Emergency Management, including the acquisition of certain existing outdoor warning siren systems currently owned by other political subdivisions wholly within Delaware County;

BE IT FURTHER RESOLVED, that the Clerk of the Board is hereby directed to certify a copy of this resolution to the county auditor, Delaware County, Ohio. The Board hereby requests that the county auditor certify to this Board the total current tax valuation of Delaware County, as well as the dollar amount of revenue that would be generated by the one year levy of 0.4 mills, if said tax were approved by the electors.

BE IT FURTHER RESOLVED, that the question of such a tax levy shall be submitted to the electors of Delaware County at the election to be held on November 3, 2009. Such a levy shall be placed upon tax list commencing in 2009, first due in calendar year 2010, if a majority of the electors voting thereon vote in favor thereof. The form of the ballot to be used at said election shall be substantially as follows:

An additional tax for the construction or acquisition of a countywide outdoor warning siren system at a rate of four-tenths (0.4) mill for each one dollar of valuation, which amounts to four cents (\$0.04) for each hundred dollars of valuation for one (1) year commencing in 2009, first due in calendar year 2010.

This Resolution shall be in full force and effect immediately upon adoption.

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

RESOLUTION NO. 09-965

A RESOLUTION OF NECESSITY FOR LEVYING A TAX EXCEEDING THE TEN-MILL LIMITATION FOR CURRENT EXPENSES TO PROVIDE THE MAINTENANCE AND OPERATION OF A COUNTYWIDE OUTDOOR WARNING SIREN SYSTEM:

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

PREAMBLE

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") has determined that the amount of taxes which may be raised within the ten mill limitation will be insufficient to provide an adequate amount for the necessary requirements of Delaware County, Ohio, as expressed herein; and

WHEREAS, a resolution declaring the necessity of levying a tax, pursuant to R.C. 5705.19, outside the ten-mill limitation must be passed and certified to the county auditor of Delaware County in order to permit the Board to consider the levy of such a tax and must request that the county auditor certify to the Board the total current tax valuation of Delaware County, as well as the dollar amount of revenue that would be generated by a specified number of mills or the number of mills required to generate a specified amount of revenue;

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WHEREAS, if the levy for maintenance and operation of a countywide outdoor warning siren system should pass and the construction and acquisition fail, the Board will rescind this levy; and

RESOLUTION

NOW THEREFORE, BE IT RESOLVED, by the Board, at least two-thirds of all members elected thereto concurring, that it is necessary to levy an additional tax in excess of the ten-mill limitation for the benefit of Delaware County for current expenses of the maintenance and operation of the countywide outdoor warning siren system, said purpose being authorized by R.C. 5705.19(A);

BE IT FURTHER RESOLVED, by the Board, that the specific purpose of the additional tax in excess of the ten-mill limitation for the benefit of Delaware County is for the maintenance and operation of a countywide outdoor warning siren system that will be owned by the Delaware County Office of Homeland Security and Emergency Management;

BE IT FURTHER RESOLVED, that the Clerk of the Board is hereby directed to certify a copy of this resolution to the county auditor, Delaware County, Ohio. The Board hereby requests that the county auditor certify to this Board the total current tax valuation of Delaware County, as well as the dollar amount of revenue that would be generated by the one year levy of 0.1 mills, if said tax were approved by the electors;

BE IT FURTHER RESOLVED, that the question of such a tax levy shall be submitted to the electors of Delaware County at the election to be held on November 3, 2009. Such a levy shall be placed upon tax list commencing in 2009, first due in calendar year 2010, if a majority of the electors voting thereon vote in favor thereof. The form of the ballot to be used at said election shall be substantially as follows:

An additional tax for current expenses to provide the maintenance and operation of a countywide outdoor warning siren system at a rate of one-tenth (0.1) mill for each one dollar of valuation, which amounts to one cent (\$0.01) for each hundred dollars of valuation for one (1) year commencing in 2009, first due in calendar year 2010.

This Resolution shall be in full force and effect immediately upon adoption.

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

RESOLUTION NO. 09-966

IN THE MATTER OF DESIGNATING AUGUST 2009 CHILD SUPPORT AWARENESS MONTH:

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

RESOLUTION

WHEREAS, ensuring children grow up safe and healthy, and children and families stay out of poverty; and

WHEREAS, ensuring that children receive the financial support they deserve involves working partnerships between county, state and federal agencies, parents, legislators, judges, healthcare professionals, advocacy groups, employers and many others; and

WHEREAS, through these partnerships, Ohio collected nearly two billion dollars, ranking 3rd in the nation for current child support distributed in 2008, and

WHEREAS, through the leadership of Delaware County Child Support Enforcement Agency, many children's lives are brighter because of the following accomplishments in the past year:

Collected \$21,064,464.66 for 2008.

In May of 2009, DCCSEA broke our highest collection in one month record with \$1,896,626.73.

For Federal Fiscal year 2008,, the agency did not fall below 80% all year in our Collections on Current Support.

For every dollar the agency spent we collected \$16.68.

WHEREAS, with the recognition of the above successes comes the acknowledgment that our children's lives count enough to pursue every possible effort to ensure that Ohio children receive the financial support they deserve.

NOW, THEREFORE, WE, The Delaware County Board of Commissioners of Delaware County, Ohio, do hereby designate, in conjunction with the State of Ohio,

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AUGUST 2009
CHILD SUPPORT
AWARENESS MONTH

“Your Support Means the World to a Child.”

In Delaware County we encourage everyone to promote the partnerships needed in raising happy and healthy children and to help ensure that the children of Delaware County receive the support they deserve.

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

RESOLUTION NO. 09-967

IN THE MATTER OF AMENDING THE CHILD CARE PROVIDER CONTRACTS BETWEEN THE DELAWARE COUNTY 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 Job & Family Services recommends approval of the following contract amendments;

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

Nicole Working

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 1

This amendment, effective January 1, 2009, is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Nicole Working entered into on the 1st day of January, 2009.

Article 4. Cost and Delivery of Purchased Services:

(A) Payment Rates: The total amount of services to be reimbursed under this contract is increased from \$25,000 to \$35,000.

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

RESOLUTION NO. 09-968

IN THE MATTER OF APPROVING THE CONTRACT BETWEEN THE DELAWARE COUNTY COMMISSIONERS; THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES (AS ADMINISTRATIVE AGENT OF THE DELAWARE COUNTY FAMILY AND CHILDREN FIRST COUNCIL) AND THE DELAWARE COUNTY BOARD OF DEVELOPMENT DISABILITIES FOR THE 2010 PURCHASE OF SERVICES CONTRACT:

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

Whereas, the Director of Job & Family Services recommends approval of the following contract;

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the following contract with Delaware County Board of Development Disabilities:

2010 CONTRACT
FOR THE PURCHASE OF SERVICES
BETWEEN THE DELAWARE COUNTY
DEPARTMENT OF JOB AND FAMILY SERVICES
AS ADMINISTRATIVE AGENT OF THE DELAWARE COUNTY FAMILY AND CHILDREN FIRST
COUNCIL
AND
DELAWARE COUNTY BOARD OF DEVELOPMENT DISABILITIES

This Contract is entered into this 1st day of July, 2009 by and between the Delaware County Department of Job and Family Services (hereinafter, "DCDJFS"), whose address is 140 North Sandusky Street, 2nd Floor, Delaware, Ohio

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43015, the Delaware County Board of County Commissioners (hereinafter, "Board"), whose address is 101 North Sandusky Street, Delaware, Ohio 43015, and the DELAWARE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES (hereinafter, "DCBDD") whose address is 106 Stover Drive, Delaware, Ohio 43015(hereinafter collectively, the "Parties").

PRELIMINARY STATEMENTS

WHEREAS, the DCDJFS is in need of a Council Manager for the Delaware County Family and Children First Council, and

WHEREAS, DCBDD is qualified and willing to provide required services.

STATEMENT OF THE AGREEMENT

NOW, THEREFORE, the Parties mutually agree as follows:

1. PURPOSE OF CONTRACT:

DCBDD hereby agrees to provide one staff person, Kathy McWatters, for .5 FTE or 510 hours, to act as Council Manager.

2. TERM:

This Agreement shall be effective July 1, 2009 through June 30, 2010.

3. SCOPE OF SERVICES/DELIVERABLES:

As Council Manager, Kathy McWatters:

- ? will facilitate work of Family and Children First Council
- ? will serve as liaison with local, county and state agencies
- ? will meet as needed with partner agency administrators to assure compliance with all assigned project functions
- ? will work with fiscal and administrative agents to review monthly fiscal reports and provide budget oversight
- ? will seek additional funding resources
- ? will meet with the other community agency administrators to facilitate community collaborations and partnerships
- ? will provide effective project evaluation and implementation of data-driven improvements that will continually allow Family and Children First Council to meet the needs of the participants and the community

4. FINANCIAL AGREEMENT:

A. PAYMENT PROCEDURES:

- 1.
2. The DCDJFS shall reimburse DCBDD for services at the rate of \$43,284. Such payments shall be made in quarterly installments of \$10,821 with the first payment beginning July 1, 2009. (Other quarterly payments will be October 1, 2009, January 1, 2010, April 1, 2010.)

3.

B. MAXIMUM PAYMENT

4.

DCBDD agrees to accept as full payment for services rendered in a manner satisfactory to the DCDJFS, the maximum amount of Forty-three Thousand Two Hundred and Eighty-four Dollars (\$43,284).

5. LIMITATION OF SOURCE OF FUNDS:

The DCBDD warrants that any costs incurred pursuant to this Contract will not be allowable to or included as a cost of any other federally financed program in either the current or a prior period.

6. DUPLICATE BILLING/OVERPAYMENT:

The DCBDD warrants that claims made to DCDJFS for payment, shall be for actual services rendered and do not duplicate claims made by the DCBDD to other sources of funding for the same services. In case of overpayments, the DCBDD agrees to repay the DCDJFS the amount of overpayment and that to which it is entitled.

7. INFORMATION REQUIREMENTS:

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The DCBDD will provide such information to DCDJFS as is necessary to meet the specific fiscal and program requirements contained in this Contract. This shall include a quarterly and year end report of services provided and outcomes achieved.

8. AVAILABILITY AND RETENTION OF RECORDS:

At any time, during regular business hours, with reasonable notice and as often as the DCDJFS, the Comptroller General of the United States, the State, or other agency or individual authorized by the DCDJFS may deem necessary, the DCBDD shall make available to any or all the above named parties or their authorized representatives, all subcontracts, invoices, receipts, payrolls, personnel records, enrollees records, reports, documents and all other information or data relating to all matters covered by this Contract. The DCDJFS and the above named parties shall be permitted by the DCBDD to inspect, audit, make excerpts, photo static copies and/or transcripts of any and all documents relating to all matters covered by this Contract.

The DCBDD, for a minimum of three (3) years after reimbursement/compensation for services rendered under this Contract, agrees to retain and maintain, and assure that all of its subcontractors retain and maintain, all records, documents, writings and/or other information related to performance of this Contract. If an audit, litigation, or other action is initiated during the time period of this Contract, the DCBDD shall retain and maintain, and assure that all of its subcontractors retain and maintain, such records until the action is concluded and all issues are resolved or the three (3) years have expired, whichever is later.

Prior to the destruction of any records related to performance of this Contract, regardless of who holds such records, the DCBDD shall contact the DCDJFS in writing to obtain written notification that such records may be destroyed. Such request for destruction of records must specifically identify the records to be destroyed.

9. INDEPENDENT FINANCIAL RECORDS:

The DCBDD shall maintain independent books, records, payroll, documents, and accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Contract. Such records shall at all reasonable times be subject to inspection, review, and/or audit by duly authorized federal, state, local, or DCDJFS personnel.

10. SERVICE DELIVERY RECORDS:

The DCBDD shall maintain records of services provided under this Contract. Such records shall be subject at all reasonable times to inspection, review or audit by duly authorized federal, state and/or DCDJFS personnel.

11. RESPONSIBILITY FOR INDEPENDENT AUDIT:

The DCBDD agrees, if required by the director of DCDJFS, to have conducted an independent audit of expenditures and records of service delivery associated with this Contract. The DCBDD is responsible for any and all costs associated with such an independent audit and shall make copies of such independent audit available to DCDJFS without cost to DCDJFS.

12. RESPONSIBILITY OF AUDIT EXCEPTIONS:

The DCBDD agrees to accept responsibility for receiving, replying to, and/or complying with any audit exception by any appropriate federal, state, local, or independent audit authority that is in any way associated with this Contract. The DCBDD agrees to reimburse the DCDJFS and the Board the amount of any such audit exception.

13. INDEPENDENT CONTRACTORS:

The DCBDD shall act in performance of this Contract as an independent contractor. As an independent contractor, the DCBDD and/or its officers, employees, representatives, agents, volunteers and/or servants are not entitled to any of the benefits enjoyed by employees of the Board, DCDJFS, and Delaware County.

14. PARTIES RESPONSIBLE FOR THEIR OWN ACTIONS: (Other than audit) The DCDJFS, the Board, and the DCBDD, as a governmental entities/political subdivisions, lack authority to indemnify. As such, the Parties, agree to be and shall be responsible for their own actions resulting from their performance of

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and/or provision of services under this Contract. Therefore, the Parties agree to be individually and solely responsible for any and all claims, lawsuits, liability, losses, damages, injuries (including death), and/or related expenses that each may incur as a result of their own actions in the performance of and/or provision of services under this Agreement.

15. TERMINATION:

A. Termination for the Convenience:

The Parties may terminate this Contract at any time and for any reason by giving at least seven (7) days advance notice, in writing, to the other Parties. The DCBDD shall be entitled to receive compensation for any services satisfactorily performed hereunder through the date specified on the notice as the effective date for such termination.

B. Breach or Default:

Upon breach or default of any of the provisions, obligations, or duties embodied in this Contract, the aggrieved party shall provide written notice of the breach or default to the breaching or defaulting party and permit the breaching or defaulting party to remedy the breach or default within a specified reasonable period of time. If the breach or default is not satisfactorily remedied within the specified time period, this Contract 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 DCBDD shall be entitled to receive compensation for any services satisfactorily performed hereunder through the date of termination.

C. Waiver:

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 any Party fails to perform an obligation or obligations under this Contract and such failure(s) is (are) waived by the other Parties, such waiver shall be limited to the particular failure(s) so waived and shall not be deemed to waive other failure(s). Waiver by any Party shall be authorized in writing and signed by an authorized Party representative.

D. Loss of Funding

It is understood by the DCBDD that availability of funds for this Contract and thus this Contract is contingent on appropriations made by the Local, State and/or Federal government. In the event that the Local, State and/or Federal reimbursement is no longer available to the DCDJFS, the DCBDD understands that changes and/or termination of this Contract will be required and necessary. Such changes and/or termination will be effective on the date that the Local, State and/or Federal reimbursement is no longer available, or later as otherwise stipulated in writing by the DCDJFS.

16. SAFEGUARDING OF CLIENT:

The Parties agree that the use or disclosure by any Party of any information concerning any individual eligible for services or programs provided pursuant to this Contract for any purpose not directly related with the administration of this Contract is strictly prohibited except upon the written consent of the DCDJFS and the individual or, if a minor, his/her responsible parent or guardian.

17. CIVIL RIGHTS:

DCDJFS and the DCBDD agree that as a condition of this Contract, there shall be no discrimination against any client or any employee because of race, color, sex, religion, national origin, handicap, sexual orientation, or any other factor as specified in Title VI of the Civil Rights Act of 1964, Rehabilitation Act of 1973, and subsequent amendments. It is further agreed that the provider will comply with all appropriate federal and state laws regarding such discrimination and the right to and method of appeal will be made available to all persons under this Contract. Any agency found to be out of compliance with this paragraph may be subject to investigation by the Office of Civil Rights of the Department of Health and Human Services and termination of this Contract.

18. ACCESSIBILITY OF PROGRAMS TO THE DISABLED/HANDICAPPED:

The DCBDD agrees as a condition of this Contract to make all services and/or programs provided pursuant to this Contract accessible to the disabled/handicapped. The DCBDD further agrees as a condition of this Contract to comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C 794), all requirements imposed by the applicable HHS regulations (45 CFR 8;4) and all guidelines and interpretations issued pursuant thereto. Any agency found to be out of compliance

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with this paragraph may be subject to investigation by the Office of Civil Rights of the Department of Health and Human Services and termination of this Agreement.

20. DRUG-FREE WORKPLACE:

The DCBDD certifies and affirms that any staff, subcontractor, and/or independent contractor, including all field staff, agree to comply with all applicable state and federal laws regarding a drug-free workplace.

21. DMA FORM STATEMENT:

The DCBDD certifies that it does not provide material assistance to any organization on the United States Department of State Terrorist Exclusion list. Pursuant to R.C. § 2909.33, the DCBDD agrees make such certification by completing the declaration of material assistance/nonassistance described in R.C. § 2909.33(A) and understands that this Contract is contingent upon full completion of such certificate and "No" being the response to all questions in the Declaration portion of the certificate. Such certification is attached to this Contract and by this reference made a part of this Contract.

22. FINDINGS FOR RECOVERY:

The DCBDD certifies that it has no outstanding findings for recovery pending or issued against it by the State of Ohio.

23. NOTICES:

All notices which may be required by this Contract or by operation of any rule of law shall be sent via certified mail or personally delivered to the following individuals at the following addresses and shall be effective on the date received :

DCBDD:

Robert Morgan
Superintendent
DELAWARE COUNTY BOARD OF
DEVELOPMENTAL DISABILITIES
106 Stover Drive
Delaware, Ohio 43015

DCDJFS:

Mona Reilly
Director
DCDJFS

140 N. Sandusky St., 2nd Floor
Delaware, Ohio 43015

24. GOVERNING LAW:

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

25. SEVERABILITY:

If any item, condition, portion, or section of this Contract 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 Contract and all the terms, conditions, provisions, or sections hereof shall, in all other respects, continue to be effective and be complied with.

26. ENTIRE AGREEMENT:

This Contract, along with all of its attachments, shall constitute the entire understanding and agreement between the Parties, 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.

27. SIGNATURES:

Any person executing this Contract in a representative capacity hereby warrants that he/she has authority to sign this Contract or has been duly authorized by his/her principal to execute this Contract on such principal's behalf.

28. EFFECT OF SIGNATURE:

The signatures of the Parties below indicate that the signers and the entities that they represent agree to

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be bound by all the terms and conditions of this Contract.

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

RESOLUTION NO. 09-969

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

The Director of Job and Family Services recommends to end the probationary period and approval of the end-of-probationary pay raise for Catherine Hogan a Social Services Worker III; effective date July 4, 2009.

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

RESOLUTION NO. 09-970

IN THE MATTER OF APPROVING THE AMENDMENT TO THE DELAWARE COUNTY REVOLVING LOAN FUND GUIDELINES:

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

WHEREAS, Delaware County has established a Revolving Loan Fund (RLF) capitalized with the payback from CDBG loans to local businesses, and

WHEREAS, the Delaware County RLF is intended to facilitate the implementation of job-creating projects that would not go forward without RLF participation, and

WHEREAS, the Revolving Loan Fund Loan Review Committee has the responsibility of reviewing RLF applications and making recommendations regarding same to the Board of Commissioners; and

WHEREAS, the County has adopted guidelines to govern the proper use of its RLF funds, and has determined it necessary to adopt an amendment to reduce the four (4) existing committees to one, and.

WHEREAS, the current four RLF Loan Review Committees that are comprised of representatives of at least one (1) from County Government, at least three (3) from the Business Community or a Chamber of Commerce, at least two (2) from local financial institutions, one (1) member representing the municipality or township in which the proposed RLF project is to be located, and one (1) member representing an organization/entity serving the County's LMI population, and

WHEREAS, to expedite the review process for Revolving Loan Fund Projects an amend to the RLF Guidelines to have only one committee review all future businesses, and

WHEREAS, the Delaware County Port Authority is knowledgeable in economic development projects,, and

Whereas, the Director of the Economic Development Department recommends approval of the amendment to the RLF Guidelines:

NOW THEREFORE BE IT RESOLVED, that Delaware County Board of Commissioners does hereby approve the following amendment to its Revolving Loan Fund guidelines.

Section 1: Delaware County Commissioners approves the amendment to the RLF Guidelines to reduce the RLF committees from four to one Committee.

Section 2: Delaware County Commissioners approves to have the Port Authority be the Revolving Loan Committee to review and make recommendation to the Commissions on future RLF projects.

Section 3: Upon passage of this resolution, the RLF guidelines shall be forwarded to the Ohio Department of Development.

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

RESOLUTION NO. 09-971

IN THE MATTER OF APPROVING DELAWARE COUNTY'S PORT AUTHORITY AS THE REVOLVING LOAN FUND COMMITTEE FOR DELAWARE COUNTY:

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

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WHEREAS, Delaware County has established a Revolving Loan Fund (RLF) capitalized with the payback from CDBG loans to local business, and

WHEREAS, the Delaware County RLF is intended to facilitate the implementation of job-creating projects that would not go forward without RLF participation, and

WHEREAS, the Revolving Loan Committee will be called the Loan Review Committee (LRC) and shall be appointed by the County Board of Commissioners, and

WHEREAS, the Loan Review Committee has the responsibility of reviewing RLF applications and making recommendations regarding same to the Board of Commissioners; and

WHEREAS, the Delaware County Board of Commissioners shall make the final approval on all loans, and

WHEREAS, to expedite the review process for Revolving Loan Fund Projects appointing the Port Authority as the LRC for the RLF Projects for all future businesses, and

Whereas, the Director of the Economic Development Department recommends approval of the Port Authority being the RLF Loan Review Committee.

NOW THEREFORE BE IT RESOLVED, that Delaware County Board of Commissioners does hereby approve the following:

Section 1. Delaware County Board of Commissioners approves the Port Authority as the County Loan Review Committee for RLF Projects.

Section 2: Delaware County Board of Commissioners does hereby establish a three (3) year term for each member of the RLF Loan Review Committees, and that the current term shall be considered to commence on August 1, 2009, and will expire on July 31, 2012, and that the Board of County Commissioners shall appoint or re-appoint members to the RLF Loan Review Committee every three years beginning with the term commencing on August 1, 2012..

Section 3: The LCR consist of Kent Kramer, Delaware County Bank, Greg Roy, Knox Bank, Charlotte Joseph, ThisWeek, and Denise Bells and Wes Buchanan, business owners.

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

RESOLUTION NO. 09-972

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATION AND SUPPLEMENTAL APPROPRIATIONS:

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

Transfer of Appropriation		AMOUNT
From	To	
10026318-5215 Commmity Service Restitution/Program Supplies	10026318-5120 Community Service/PERS	\$ 1,610.00
10026318-5348 Community Service Restitution/Client Services	10026318-5131 Community Service Restitution/Medicare	\$ 370.00
10026201-5101 Juvenile Court/Hospital Insurance	10026318-5101 Community Service Restitution/Hospital Insurance	\$ 6,320.00
Supplemental Appropriation 50211119-5319	Bond Retirement CFOA/Reimbursements & Refunds	\$ 3,923.00

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

RESOLUTION NO. 09-973

RESOLUTION LEVYING AN ADDITIONAL REAL PROPERTY TRANSFER TAX PURSUANT TO SECTION 322.02 OHIO REVISED CODE:

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

WHEREAS, on June 7, 1999, the Delaware County Board of Commissioners (the "Board") adopted Resolution

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No. 99-491, levying an additional real estate transfer tax; and

WHEREAS, the real property transfer tax approved in Resolution No. 99-491 shall expire on December 31, 2009; and

WHEREAS, the Board wishes to renew the additional real property transfer tax approved in Resolution No. 99-491; and

Whereas, additional tax shall be at the rate of ten cents (\$.10) per hundred dollars for each one hundred dollars or fraction thereof value of real property or interest in real property located within the boundaries of the County granted, assigned, transferred or otherwise conveyed by such deed; and

WHEREAS, pursuant to section 322.02 of the Revised Code, prior to the adoption of a resolution levying a real property transfer tax, the Board shall conduct two public hearings thereon, the second hearing to be not less than three nor more than ten days after the first; and

WHEREAS, the Board conduct two public hearings to consider the levying of a real estate transfer tax, pursuant to section 322.02 of the Revised Code. The first hearing on Monday July 27, 2009 at 9:30AM, and the second on Monday August 3rd, 2009 at 8:15PM, both hearings being held at the Commissioners Office;

Now, Therefore, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO:

1. The Board of County Commissioners, pursuant to Section 322.02 of the Ohio Revised hereby determines that it is necessary to levy an additional county Real Property Transfer Tax;
2. That an additional Real Property Transfer Tax is in addition to any tax levied pursuant to Section 322.02 of the Ohio Revised Code; the additional Real Property Transfer Tax shall be at the rate of Ten Cents (\$.10) per hundred dollars for each one hundred dollars or fraction thereof value of real property or interest in real property located within the boundaries of the County granted, assigned, transferred or otherwise conveyed by such deed. The total amount of Real Property Transfer Tax shall be at the rate of Thirty Cents (\$.30) per hundred dollars for each one hundred dollars or fraction thereof value of real property or interest in real property located within the boundaries of the County granted, assigned, transferred or otherwise conveyed by such deed.
3. The Clerk of this Board of County Commissioners is directed to certify a copy of this Resolution to the Delaware County Auditor and shall go into effect January 1, 2010, for a period of ten years.

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

COMMISSIONERS' COMMITTEES REPORTS

Refer to CD minutes for entire record

Commissioner O'Brien

-attended the Area 7 Board Meeting; Department of Labor requirements make it difficult, Federal Regulations verses State Regulations

-attended the 911 Board Meeting; The New Director is proceeding with his move to the County

Commissioner Hanks

-attended an EPA meeting at the Zoo; working on an Waste to Energy Project at the Zoo

Commissioner Thompson

-also met with the Zoo recently

RESOLUTION NO. 09-974

IN THE MATTER OF APPROVING PLAT FOR GLEN OAK SECTION 5A:

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

Whereas, the plat for the following developments have been approved by the County Engineer, and

Whereas, the County Engineer recommends that the Commissioners approve the following plat;

Now Therefore Be It Resolved, that the Delaware County Board of Commissioners approve the following plat.

Glen Oak Section 5a

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Situated In The State Of Ohio, County Of Delaware, Township Of Orange, Lying In Farm Lots 22 And 23, Quarter Township 2, Township 3 North, Range 18 West, United State Military District, Containing 11.672 Acres, More Or Less, Including 1.434 Acres Of Right-Of-Way Area, With 0.012 Acres Of Said 11.672 Acre Tract Being Out Of The 101.627 Acre Tract Conveyed To Dominion Homes, Inc. An Ohio Corporation By Deed Of Record 214, Page 2355 And 6.833 Acres Of Said 11.672 Acre Tract Being Out Of The 24.070 Acre Tract Conveyed To Dominion Homes Inc. An Ohio Corporation By Deed Of Record In Official Record 454,Page 461, And 4.797 Acres Of Said 11.672 Acres Tract Being Out Of The 5.699 Acre Tract Conveyed To Dominion Homes, Inc. An Ohio Corporation, By Deed Of Record In Official Record 214, Page 2359, All Records Of The Recorder's Office, Delaware County, Ohio. Cost \$63.00.

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

RESOLUTION NO. 09-975

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. O'Brien, seconded by Mr. Hanks to adjourn into Executive Session at 10:45AM.

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

RESOLUTION NO. 09-976

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 11:18AM.

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

RECESS TILL 2:00PM

2:00PM RECONVENING SESSION

RESOLUTION NO. 09-977

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBER CMAPR0805WC, MEMO TRANSFERS IN BATCH NUMBER MTAPR0805 AND PAYMENT OF WARRANTS IN BATCH NUMBER CMAPR0806:

It was moved by Mr. O'Brien, seconded by Mr. Thompson to approve Then And Now Certificates, payment of warrants in batch number CMAPR0805WC, memo transfers in batch number MTAPR0505, Payment Of Warrants In Batch Number CMAPR0806 and Purchase Orders as listed below:

PR Number	Vendor Name	Line Desc	Line Account	Line Amount	Line Number
R0905738	DELL	DELL MINI	22311614 - 5260	\$10,300.00	0001
	MARKETING LP	TOWERS			

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO'S Decreases			
Pomegranate	Residential Treatment	22511607-5342	\$ 4,000.00
Ponegranate	Residential Treatment	22511607-5342	\$ 4,000.00
Starr Commonwealth	Residential Treatment	22511607-5342	\$ 3,000.00
Jobs For Ohio Graduates	Tuition Program JFS	22311611-5348	\$50,000.00
Sky Climber	Tuition Program JFS	22311611-5348	\$ 7,500.00
Family Children's First	After School Program	22411601-5348	\$10,000.00
Tri State	Residential Treatment	22511607-5342	\$ 775.00
Maryhaven	Residential Treatment	22511607-5342	\$ 8,000.00
Christian Childrens	Residential Treatment	22511607-5342	\$ 1,750.00
TLP	Youth Screening	22411601-5348	\$ 2,526.05
Via Quest	Residential Treatment	22511607-5350	\$ 4,500.00
United Methodist Children	Residential Treatment	22511607-5350	\$ 3,200.00
Advantage Adoption	Residential Treatment	22511607-5342	\$ 3,000.00
PO'S Increases			
Kemmerling	Residential Treatment	22511607-5350	\$ 3,000.00

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Misti McVey	Board and Care	22511607-5350	\$ 5,000.00
John Quail	Board and Care	22511607-5350	\$ 2,000.00
Doug Swan	Board and Care	22511607-5350	\$ 5,000.00
Tonya Halford	Board and Care	22511607-5350	\$ 4,000.00
Eric Mason	Board and Care	22511607-5350	\$ 2,000.00
Village Network	Residential Treatment	22511607-5342	\$ 5,000.00

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

RESOLUTION NO. 09-978

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

The Supervisor of Maintenance recommends to extend the probationary period for Norman Smith with the Maintenance Department; for a period of 60 days; effective date August 11, 2009.

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

RESOLUTION NO. 09-979

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

The Director of Job and Family Services recommends to Terminate the Employment of Tammy Gilliland with the Department of Job and Family Services; effective date August 6, 2009

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

RESOLUTION NO. 09-980

IN THE MATTER OF ADJOURNING THE MEETING:

It was moved by Mr. Hanks, seconded by Mr. Thompson to adjourn the meeting.

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

 Todd Hanks

 Ken O'Brien

 Tommy Thompson