

**COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 1, 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. 09-1222

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD SEPTEMBER 28, 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 September 28, 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
(Refer To Cd Minutes For Entire Record)**

Denny Schooley with DATA BUS in support of proposed resolution Supporting The State Of Ohio's Application Or American Recovery & Reinvestment Act Funding For The 3c "Quick Start" Passenger Rail Project

RESOLUTION NO. 09 -1223

IN THE MATTER OF PROCLAIMING SATURDAY, OCTOBER 3RD, 2009 AS OHIO WILDLIFE CENTER DAY:

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

PROCLAMATION

Whereas, the Ohio Wildlife Center was founded in 1984 for the purpose of fostering awareness and appreciation of Ohio's native wildlife through rehabilitation, education and wildlife health studies; and

Whereas, the organization annually cares for nearly 5,000 injured, orphaned or abused mammals, birds, reptiles and amphibians, and is the only wildlife rehabilitation center in Ohio that provides free veterinary and surgical care; and

Whereas, the Ohio Wildlife Center operates a 20-acre nature education center in Concord Township in Delaware County that is open to the public, and also maintains a free volunteer-managed 24-7 statewide hotline at 614-793-WILD; and

Whereas, the Ohio Wildlife Center benefits the citizens of Delaware County by providing wildlife education programs in the Delaware schools, serving some 3,600 elementary school students in Delaware's annual fall "Hands on the Land" program; and

Whereas, the Ohio Wildlife Center is celebrating its 25th anniversary this year at a free family festival and open house on Saturday, October 3rd, at its facility at 6131 Cook Road in Powell; and

Now, therefore, we, the Commissioners of Delaware County, do hereby proclaim Saturday, October 3rd as **Ohio Wildlife Center Day** and urge all Delaware County citizens to join us in congratulating the Ohio Wildlife Center on its silver anniversary of service.

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

RESOLUTION NO. 09-1224

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0930, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0930:

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It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0930, *memo transfers in batch numbers MTAPR0930*, and Purchase Orders as listed below:

<u>PO /none</u>	<u>Vendor</u>		<u>Description</u>		<u>Account</u>	<u>Amount</u>
Vote on Motion	Mr. O'Brien	Aye	Mr. Thompson	Aye	Mr. Hanks	Aye

RESOLUTION NO. 09-1225

IN THE MATTER OF APPROVING PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0930BR:

It was moved by Mr. O'Brien, seconded by Mr. Thompson to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0930BR.

Vote on Motion	Mr. Thompson	Aye	Mr. O'Brien	Aye	Mr. Hanks	Abstain
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RESOLUTION NO. 09 -1226

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Commissioners' Office is requesting that Dave Cannon attend a Terrorism Prevention Program in Columbus, Ohio October 20, 2009, at no cost.

Vote on Motion	Mr. Hanks	Aye	Mr. Thompson	Aye	Mr. O'Brien	Aye
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RESOLUTION NO. 09-1227

IN THE MATTER OF APPROVING THE DECLARATION OF INTENT FOR THE MAINTENANCE AND OPERATION OF THE OUTDOOR WARNING SIREN SYSTEM LEVY:

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

WHEREAS, the Delaware County Board of Commissioners approved the original one year 0.1 mill maintenance and operation levy via Resolution 09-964 and 09-1004; and

WHEREAS, the Board of Elections has received ballot language from the Ohio Secretary of State striking "to provide the maintenance and operation of a countywide outdoor warning siren system" from the language presented in those resolutions; and

WHEREAS, the Delaware County Prosecutor's Office has verified the findings of the Secretary of State; and

WHEREAS, the ballot language will now read "for the purpose of CURRENT EXPENSES at a rate not to exceed 0.1 mill for each one dollar of valuation",

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners approve the Declaration of Intent that this 0.1 mill current expense levy will be obligated to the maintenance and operation of the Outdoor Warning Siren System if passed by the voters of Delaware County.

Vote on Motion	Mr. Thompson	Aye	Mr. O'Brien	Aye	Mr. Hanks	Aye
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RESOLUTION NO. 09-1228

IN THE MATTER OF APPROVING AMENDMENT #2 TO THE ENGINEERING SERVICES AGREEMENT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND THE FLOYD BROWNE GROUP FOR THE BIDDING AND NEGOTIATION PHASE AND THE CONSTRUCTION ADMINISTRATION FOR THE OHIO TO ERIE TRAIL PROJECT:

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

**AMENDMENT #2
ENGINEERING SERVICES AGREEMENT
OHIO TO ERIE TRAIL (North of Plumb Road and south of Galena)
PRELIMINARY ENGINEERING AND FINAL DESIGN**

Article I Preamble:

**COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY
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This Amendment #2 to the Original Agreement entered into the 20th day of October, 2008, by and between the Delaware County Board of Commissioners, Delaware County, Ohio ("County"), and the firm of Floyd Browne Group, 3769 Columbus Pike, P. O. Box 8016, Delaware, OH 43015 ("Consultant") is hereby approved, effective as of this 1st day of October, 2009.

Article II — Amendments to the Agreement

Section 3 (Scope of Services) is hereby amended to include additional services as detailed in the Consultant's correspondence dated August 13, 2009, Consisting exclusively of the following: Bidding and Negotiation Phase and Construction Administration. Said additional services are more fully set forth in Exhibit A, attached hereto and by this reference, fully incorporated herein.

Section 4 (Compensation) is hereby amended to reflect the cost of the additional services contemplated herein. The cost for the additional services set forth in this Article II shall be a lump sum fee of Eighteen Thousand Three Hundred Seventy-Five Dollars (\$18,375). Therefore, the total contract amount will be adjusted from a lump sum of \$89,898 to a total lump sum of \$108,273. The total maximum fee provided for under the Original Agreement is hereby increased to a total maximum fee not to exceed One Hundred Eight Thousand Two Hundred Seventy-Three Dollars (\$108,273).

All other terms and conditions of the Original Agreement not specifically amended herein shall remain in full force and effect.

Further Be it Resolved, that the Commissioners approve the following purchase order:

PR Number	Vendor Name	Line Desc	Line Account	Line Amount
R0906123	FLOYD BROWNE ASSOC INC	BIDDING & CONSTRUCTION TRAIL	23811001 - 5301	\$18,375.00

(Copy of exhibits available for review at the Commissioners' Office until no longer of administrative value.)

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

RESOLUTION NO. 09-1229

IN THE MATTER OF APPROVING THE FINAL PLANS FOR THE OHIO TO ERIE TRAIL PROJECT PLUMB ROAD/GALENA SECTION:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve The Final Plans For The Ohio To Erie Trail Project Plumb Road/Galena Section.

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

RESOLUTION NO. 09-1230

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

The Director of The Child Support Enforcement Agency recommends to end the probationary period and approval of the end-of-probationary pay raise for Sandra Disantis, effective date September 5, 2009.

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

RESOLUTION NO. 09-1231

IN THE MATTER OF APPROVING AMENDMENT #1 TO THE CONTRACT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND SHREMSHOCK ARCHITECTS, INC. FOR THE DELAWARE COUNTY JAIL SECOND FLOOR DORM BUILD-OUT:

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

Whereas, the Facilities Supervisor recommends approval of the amendment with Shremshock Architects, Inc. for the Delaware County Jail Second Floor Dorm Build-Out;

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the following amendment with Shremshock Architects, Inc. for the Delaware County Jail Second Floor Dorm Build-Out:

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**Project:
DELAWARE COUNTY JAIL SECOND FLOOR DORM BUILD-OUT
844 State Route 42 North
Delaware, Ohio 43915
ARCH PROJECT No.: 09165.000**

To: Jon Melvin, Director of Facilities -- Delaware County
In accordance with the Agreement dated: June 10, 2009

Between:

Delaware County Commissioners (Owner)
101 North Sandusky Street
Delaware, Ohio 43015

And

Shremshock Architects, Inc. (Architect)
6130 Sunbury Road
Westerville, Ohio 43081

The Architect requests authorization from the Owner to proceed with Additional Services as follows:

Design, Documentation, and Construction Administration of the following additional scope of work:

- Increased Construction Budget for the Interior Remodel of the existing Housing Unit and conversion of the existing Sallyport into a Storage Room.
- Provide a new (3) Bay Vehicle Sallyport addition and re-design associated vehicle site circulation
- Provide a new parking lot to accommodate (68) staff parking spaces and associated site lighting, CCTV cameras, and paving. As a result of this increased pavement area storm water runoff /detention calculations and additional submittals to the City of Delaware will be required.

The following adjustments shall be made to Compensation and Time:

I. Owner/Architect Agreement Basic Services Fixed Fee (Articles 11.1 & 11.2):		
1.	Interior Remodel Construction: \$1,133,045.00 x 6.5% =	\$73,647.00
2.	New Design/Construction: \$1,203,376.00 x 8% =	\$96,270.00
Subtotal Architects Fees =		\$169,917.00
3.	Additional Services (Civil Engineering) =	\$16,000.00
4. Credit for Original Interior Remodel Construction SD/DD Completed to date: (\$66,950.00 x 15%) + (\$66,950.00 x 10%) = -\$16,737.00*		

Credit to be applied when second SD/DD invoice is submitted for including new scope of work defined in Amendment-01.

II. Owner/Architect Agreement Proposed Schedule (Amends Article 1.2)		
1.	Construction Commencement:	01-FEB-10
2.	Construction Substantial Completion:	30-AUG-10

Further Be It Resolved, that the Commissioners approve a Purchase Order Increase to Shremshock in the amount of \$87,230.00 (40111402-5410).

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

RESOLUTION NO. 09-1232

IN THE MATTER OF APPROVING A RECOMMENDATION BY THE DELAWARE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) TO APPROVE THE APPOINTMENT OF REPRESENTATIVES:

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

WHEREAS, in accordance with the Ohio Revised Code Section 3750.03(b) the LEPC recommends to the Board of Commissioners to approve the appointments of representatives to the LEPC for the period September 2009 through August 2011.

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Representatives:

Ken O'Brien	Delaware County Commissioner
David Hall	Thompson Twp. Trustee
Paul Price	Troy Twp. Trustee
Sandra Stults	Scioto Twp. Trustee
Brian Galligher, Director	Delaware County EMA
Bob Lavender, Dep. Director	Delaware County EMA
Sean Miller, EMA Assistant	Delaware County EMA
Chief Troy Morris, LEPC Chair	Tri Twp. Fire Department
Brenda Hopkins	Delaware County 911/Secretary
Chief John Donahue	Delaware Fire Department/City Rep.
Chief Dale Lipps	County Fire Chief's Association Rep.
Kelli Kincaid	Red Cross
Capt. Scott Vance	Delaware County Sheriff's Office
Lt. David Church	OSP
Chief Rob Farmer	Delaware County EMS
Assist. Chief Mike Schuiling	Delaware County EMS
Don Stover	ODOT Dist. 6
Tonya Latto	PPG
Steve Robinson	American Showa
Kim McCarrell	Grady Memorial Hospital
Mary Damico	Helpline

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

RESOLUTION NO. 09-1233

IN THE MATTER OF APPROVING THE TRANSFER OF APPROPRIATIONS IN THE FY2008 STATE HOMELAND SECURITY GRANT PROGRAM ORG KEY:

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

WHEREAS, the Delaware County Board of Commissioners approved the appropriation of the SHSGP funds; and

WHEREAS, the County has used those funds to provide preparedness activities and equipment to mitigate terrorism events,

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners approve a transfer of appropriations in account 21581307 for the amount of \$19,780.00,

Transfer Of Appropriations		Amount
From	TO	
21581307-5268	21581307-5450	\$12,350.00
SHSGP/ Building Improvements <\$25,000	SHSGP/ Machinery & Equipment >\$5000	
21581307-5238	21581307-5450	\$7,430.00
SHSGP/ Safety & Security Supplies	SHSGP/ Machinery & Equipment >\$5000	

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

RESOLUTION NO. 09-1234

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:

Dudding to Rodgers

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT

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AMENDMENT NO. 2

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Kathy Dudding entered into on the 1st day of January, 2009

<u>RATE CHANGES:</u>	Full Time	Part Time	Hourly	2 nd Shift/Hrly
Infants	\$ 122.02	\$106.47	\$ 5.17	\$ 3.16
Toddler	\$ 152.18	\$ 96.02	\$ 4.88	\$ 3.06
Pre-K	\$ 121.54	\$ 95.08	\$ 5.13	\$ 2.84
School Age	\$ 99.68	\$ 70.95	\$ 6.07	\$ 2.54
Summer	\$ 122.53	\$ 98.32	\$ 6.08	\$ 2.80
* Registration Fee:	\$ 25.00 per year/per child			

NAME CHANGE:

Name changes from Dudding to **Rodgers**.

Child Care Unlimited-Sunbury

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 2

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 Child Care Unlimited-Sunbury, entered into on the 1st day of January, 2009.

Article 4. Cost and Delivery of Purchased Services:

Increase amount of contract from \$65,000 to \$75,000.

Today's Learning Child

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 Today's Learning Child 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 \$150,000 to \$250,000.

LaPetite/909 Polaris

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 LaPetite Academy/909 Polaris Parkway entered into on the 1st day of January 2009.

Article 4. Cost and Delivery of Purchased Services:

Payment Rates:

Changes amount reimbursable from \$55,000 to \$70,000

Jelly Bean Junction/Bethel

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

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Jelly Bean Junction/Bethel entered into on the 1st day of January, 2009

<u>RATE CHANGES:</u>	Full Time	Part Time	Hourly
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Infants	\$ 215.73	\$ 143.90	\$ 6.62
Toddlers	\$ 190.01	\$ 118.65	\$13.07
Pre-K	\$ 163.44	\$ 79.87	\$ 6.81
School Age	\$ 94.56	\$ 63.00	\$ 5.75
Summer	\$ 149.76	\$ 100.33	\$ 7.49
Before & After	\$ 94.56	\$ 63.00	\$ 5.75
Before or After	\$ 94.56	\$ 63.00	\$ 5.75

Lisa Burrell

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

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Lisa Burrell entered into on the 1st day of January, 2009

RATE CHANGES:

	Full Time	Part Time	Hourly
Infants	\$ 122.02	\$ 106.47	\$ 5.17
Toddlers	\$ 152.18	\$ 96.02	\$ 4.88
Pre-K	\$ 121.54	\$ 95.08	\$ 5.13
School Age	\$ 99.68	\$ 70.95	\$ 6.00
Summer	\$ 122.53	\$ 98.32	\$ 6.08

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

RESOLUTION NO. 09-1235

IN THE MATTER OF APPROVING THE ADDENDUM FOR THE FY 2010 COMMUNITY BASED CORRECTIONS PROGRAM SUBSIDY GRANT FOR ADULT COURT SERVICES:

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

Whereas, the Director of Adult Court Services recommends approval of addendum to the grant;

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve grant addendum.

Grant #	FY 2010
Source:	Ohio Department of Rehabilitations and Corrections
Grant Period:	July 1, 2009 to June 30, 2010
Total Grant Amount:	\$165,732

The increase of \$32,000 from \$133,732 to \$165,732 is dedicated to diverting low level felons from prison, via GPS and other community control sanctions.

**Addendum to
Community-Based Corrections Program
407 subsidy grant agreement**

This Addendum is between the State of Ohio, Department of Rehabilitation and Correction, and **Delaware County**. It modifies the Community-Based Corrections Program 407 subsidy grant agreement in the amount of **\$133,732** executed by the parties on the date of June 19, 2009

The grant award shall be **increased** by **\$32,000** from **\$133,732** to **\$165,732** effective on the date approved by the Director of the Ohio Department of Rehabilitation and Correction. Total expenditures for Fiscal Year 2010 (July 1, 2009 to June 30, 2010) will not in any case exceed **\$165,732**.

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

RESOLUTION NO. 09-1236

IN THE MATTER OF APPROVING THE ADDITIONAL FY 2010 COMMUNITY BASED CORRECTIONS PROGRAM SUBSIDY GRANT FOR ADULT COURT SERVICES:

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

Whereas, the Director of Adult Court Services recommends approval of the grant agreement;

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Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the grant agreement.

Grant #	FY 2010
Source:	Ohio Department of Rehabilitations and Corrections
Grant Period:	July 1, 2009 to June 30, 2010
Total Grant Amount:	\$20,000

The new grant is dedicated to diverting misdemeanors from local incarceration using GPS and other community control sanctions.

**OHIO DEPARTMENT OF REHABILITATION AND CORRECTION
SUBSIDY GRANT AGREEMENT FOR
COMMUNITY-BASED CORRECTIONS PROGRAMS
408 NON-RESIDENTIAL FELONY**

WHEREAS, the Grantee has made application to the Grantor for funds made available for a Community Correction Act Grant, and has submitted a proposal for the use of these funds, and

WHEREAS, the Grantor is authorized, pursuant to authority in section 5149.30 et seq. of the Ohio Revised Code, to determine and award grants to assist local governments in community-based law enforcement services;

Ohio Ethics: All Contractors who are actively doing business with the state of Ohio or who are seeking to do business with the State of Ohio are responsible to review and comply with all relative Division of O.R.C. Sections 102.01 to 102.09, and Governor Strickland's Executive Order 2007-01S for Ethics.

In accordance with Executive Order 2007-01S, Contractors, by signature on this document, certifies: (1) it has reviewed and understands Executive order 2007-01S, (2) has reviewed and understands Ohio ethics and conflict of interest laws, and (3) will take no action inconsistent with those laws and this order. The Contractor understands that failure to comply with Executive Order 2007-01S is, in itself, grounds for termination of this Contract and may result in the loss of other Contracts with the state of Ohio up to and including debarment.

Contractor certifies that it is currently in compliance and will continue to adhere to the requirements of Ohio ethics laws.

Executive Order 2007-01S is available for review at: WWW.GOVERNOR.OHIO.GOV

NOW THEREFORE this Grant Agreement is made and entered into this _____ day of _____, 2009 by and between the State of Ohio, Department of Rehabilitation and Correction, Division of Parole and Community Services, Bureau of Community Sanctions, (hereinafter referred to as Grantor) and the undersigned representatives of Delaware County, Ohio, (hereinafter referred to as Grantee), pursuant to authority in Section 5149.30 et seq. of the Ohio Revised Code.

A Terms and Conditions:

- 1) The Grantor awards to the Grantee the sum of **Twenty Thousand** dollars, to be paid in four equal installments of **\$5,000** for the period beginning with the effective date of this agreement and ending **June 30, 2010** subject to the terms and conditions of this agreement, unless extended or renewed by written agreement of both parties or otherwise terminated as provided herein, but in no event shall this agreement extend beyond June 30, 2010. Total expenditures for Fiscal Year 2010 (July 1, 2009 to June 30, 2010) will not in any case exceed **\$20,000**.
- 2) The amount specified in paragraph A.1 is subject to legislative appropriation of the Grantor's proposed Community Non-Residential Programs subsidy (408) budget amount for Fiscal Year 2010 the parties agree that the Grantor may modify the amount in paragraph A.1 if such appropriation is less than the amount proposed to the Legislature by Grantor. The modified amount shall be determined solely by Grantor Officials within their discretion. The Grantee and the Grantor agree to an interim payment of grant funds if an interim budget is adopted pending the final approval of the State of Ohio Fiscal Year 2010 budget. Furthermore, the obligations of the state under this agreement are subject to the determination by the Grantor that sufficient funds have been appropriated by the General Assembly to the Grantor for the purposes of this grant agreement and to the certification of the availability of such funds by the director of budget and management as required by Section 126.07 of the Ohio Revised Code.
- 3) In the event that the Grantee wishes to terminate the program or its participation in this Agreement, the Grantee may do so upon sending written notice to the Grantor. In such event in compliance with Section 5120:1-5-07 of the Ohio Administrative Code, the Grantee shall refund to the Grantor that amount paid to the Grantee which represents funding for services not yet rendered as determined by a financial audit completed by the Grantor.

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- 4) The Grantee agrees to affect the program as outlined in the proposal submitted by the Grantee, and approved herein by reference. The program's positions, salaries, and fringe benefits shall be as stated in the proposal. The type of expenses, other than salaries of persons who will staff and operate the facility and program for which the state financial assistance can be used are those set out in the proposal. Purchases made with state funds shall be in accordance with county/state/municipal competitive bidding requirements. Any significant program change or reduction requires the prior written approval of the Grantor. In the event of such change or reduction is approved, the Grantor may make appropriate changes in funding.
- 5) It is agreed that the Bureau of Community Sanctions shall monitor grant activities during the grant period. Changes shall be submitted to and approved by the Bureau of Community Sanctions for the Grantor. The Grantee and the **CHIEF OF THE** Bureau of Community Sanctions will attempt to settle any controversy or a dispute which arises out of or relates to this agreement, or any breach of this agreement. Should this fail, the Grantee can appeal to the Deputy Director of the Division of Parole and Community Services for final resolution.

The fiscal agent designated to act on behalf of the Grantee is George Kaitsa. The program's tax identification number is 316400065.

- 6) Quarterly payments will be made by the Grantor **BY WAY OF ELECTRONIC FUND TRANSFER TO THE DESIGNATED PUBLIC ENTITY**. This process will continue until the total grant award has been expended
- 7) The Grantee agrees to manage and account for grant funds in accordance with the Grantor's "Community Corrections Act Program Grant Manual." These guidelines are incorporated herein by reference.
- 8) The Grantee agrees to provide for services as required by State standards and/or policy and procedure.
- 9) This agreement may not be assigned or transferred by either party.
- 10) The Grantee shall remain responsible for all services performed under this Agreement. The Grantee shall comply with all applicable state and federal laws regarding the purchase of goods and services (including personal service contracts).
- 11) None of the persons who will staff and operate the program, including those who are receiving some or all of their salaries out of funds received by the program as state financial assistance, are employees or to be considered as employees of the Department of Rehabilitation and Correction. Employees who will staff and operate the program are employees of the program.
- 12) The program will make a reasonable effort to augment the funding received by the state.

- (1) The program will comply with Section 5149.33 of the Ohio Revised Code wherein it states:

No municipal corporation, county, or group of contiguous counties receiving a subsidy under division (A) of section 5149.31 of the Revised Code shall reduce, by the amount of the subsidy it receives or by a greater or lesser amount, the amount of local, nonfederal funds it expends for corrections, including, but not limited to, the amount of local, nonfederal funds it expends for the operation of the county, multi-county municipal, county, or multi-county-municipal jail or workhouse and for any county or municipal probation department or for any community correction program. Each subsidy shall be used to make corrections expenditures in excess of those corrections expenditures being made from local, nonfederal funds. No subsidy or portion of a subsidy shall be used to make capital improvements. If a recipient violates this section, the Department of Rehabilitation and Correction shall discontinue subsidy payments to the recipient.

- a. This agreement supersedes any prior Grant Agreement for Community Correction Act Programs executed by the parties, or their authorized representatives. This document represents the sole agreement between the parties.

B) Program Evaluation:

1. The Grantee shall maintain statistical records for the period of the grant in the format and frequency as established by the Grantor.

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2. The Grantee shall prepare and submit to the Grantor a report comprised of the statistical data pursuant to the Grantor's instructions. The Grantee shall maintain internet access for data transmission into the Grantor's management information systems.
- 3) The Grantee shall prepare a quarterly financial report to the Grantor. The reports shall be submitted thirty (30) days after the end of each quarter.
- 4) To determine if the local community-based correctional program is achieving its stated goal and objectives, the Grantee agrees to submit intake and **TERMINATION DATA** for each offender placed into its program to the Grantor. The frequency of submitting these forms will be determined by the Grantor and the Grantee shall make available all necessary records for validation and audit.
- 5) It is agreed that the Grantee shall be provided with the results of the Grantor's review of the intake and **TERMINATION DATA** at time intervals determined by the Grantor.
- 6) Failure to comply with Items (B) (1) through ~~(6)~~ (5) of this Grant Agreement may result in delaying subsidy payments to the Grantee.

C) Compliance:

1. The Grantee shall cooperate with and provide any additional information as may be required by the Department of Rehabilitation and Correction in carrying out an ongoing evaluation of subsidy funded community-based corrections programs.
2. All expenditures made by the Grantee with funds received as state financial assistance through this grant shall be governed by laws of the State of Ohio.
3. All contracts by the Grantee for services must be in writing, contain performance criteria, have itemized service costs, indicate responsibilities of parties' involved, state conditions for termination of the agreement and be approved by the appropriate county officials before their implementation. A copy of such agreement(s) shall be forwarded to the Bureau of Community Sanctions.
4. Failure of the Grantee to comply with the rules of Chapter 5120:1-5 of the Ohio Administrative Code which are applicable under this Grant Agreement, may be cause for the Director of the Department of Rehabilitation and Correction to terminate further funding. Furthermore, the grant amount may be reduced or the Grant Agreement terminated by the Department of Rehabilitation and Correction if:
5. The quality and extent of the program services furnished by the Grantee has been significantly reduced from the level proposed in the Grant Agreement.
6. There is a financial or audit disclosure involving misuse of state funds.
7. The reason(s) for the intent to terminate or reduce funding shall be given in writing to the Grantee. Said notice will be given sixty (60) days prior to the termination of funding. The Grantee shall have thirty (30) days following the receipt of such notice in which to present a petition for reconsideration to the Director of the Department of Rehabilitation and Correction.
8. The Grantee warrants that it is not subject to an "unresolved" finding for recovery under O.R.C 9.24. If the warranty is deemed to be false, the contract is void ab initio and the Grantee must immediately repay to the Attorney General any funds paid under this agreement.

D) Program Continuation:

1. The Grantor will make reasonable efforts to secure continued funding or expansion of the subsidy program.
2. This Agreement shall be governed by the laws of the State of Ohio. It constitutes the entire Agreement between the parties regarding its subject matter. It is subject, however, to modification at any time upon the mutual written notification to the Grantee by the Grantor.
3. If any provision in this Agreement is determined by an appropriate court of law to be invalid and unenforceable, the remaining provisions shall continue in full force and effect to the extent possible.
4. All existing Grant Agreements are now rendered null and void and are superseded as of the executing of this Grant Agreement.

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

COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 1, 2009

Commissioner O'Brien recused himself from the following resolution

RESOLUTION NO. 09-1237

IN THE MATTER OF SUPPORTING THE STATE OF OHIO'S APPLICATION OR AMERICAN RECOVERY & REINVESTMENT ACT FUNDING FOR THE 3C "QUICK START" PASSENGER RAIL PROJECT:

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

WHEREAS, the Ohio Rail Development Commission and the Ohio Department of Transportation have completed the initial steps required for creating high-speed passenger rail and increased freight rail capacity in Ohio and surrounding states; and

WHEREAS, the first phase of this system would be a Cleveland- Columbus-Cincinnati rail corridor; and

WHEREAS, the ORDC and ODOT have formally applied for federal stimulus funding up to \$400-million under the American Recovery & Reinvestment Act (ARRA); and

WHEREAS, if the Federal Railroad Administration approves this grant application, it would take approximately two years to begin operation of conventional speed (79 MPH) passenger trains in the 3C Corridor; and

WHEREAS, such service would serve as the foundation for reliable, fast, frequent service with passenger train speeds up to 110-MPH as defined under President Obama's "Chicago Hub" high speed rail plan; and

WHEREAS, a Cleveland-Columbus-Cincinnati passenger rail service would put over 6-million Ohioans within reach of useful and needed transportation services that would also help to decongest highways, save energy, and reduce air pollution.

NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED by the Board of Commissioners, County of Delaware, State of Ohio as follows:

SECTION 1. That the Delaware County Commissioners supports Ohio's application including the provision for the future North Columbus Station to be located in the US36/SR37 to Cheshire Rd. corridor thus providing multi-modal connections within the region.

SECTION 2. That this resolution shall be in force and effect immediately upon its passage.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Absent/Recused

**COMMISSIONERS' COMMITTEES REPORTS
(Refer To CD Minutes For Entire Record)**

- Commissioner O'Brien**
- Attended EMA Meeting
- Attended YMCA Meeting (Delaware City And National Guard
- Attended Navigating The Economy Meeting Held At North Star-JFS

- Commissioner Hanks**
- YMCA Meeting (Delaware City And National Guard
- Attend Delaware City And Kroger Meeting About Loss Of City Store
- Meeting On Friday With Columbus Reservoirs Issues With Neighbors
- Poverty Article

- Commissioner Thompson**
- BOR Meetings
- AEP Letter
- SAMS Club
- Port Authority Records Request And Website

RESOLUTION NO. 09-1238

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 FOR PENDING OR IMMINENT LITIGATION AND LAND ACQUISITION:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to adjourn into Executive Session at 10:30AM.

COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 1, 2009

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

RESOLUTION NO. 09-1239

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 11:17AM.

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

RESOLUTION NO. 09-1240

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. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

Todd Hanks

Ken O'Brien

Tommy Thompson

Letha George, Clerk to the Commissioners