

**COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 11, 2010**

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. 10-302

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD MARCH 8, 2010:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on March 8, 2010; 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. Hanks Aye Mr. O'Brien Aye

PUBLIC COMMENT

RESOLUTION NO. 10-303

IN THE MATTER OF DECLARING APRIL 17, 2010, EARTH DAY IN DELAWARE COUNTY:

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

WHEREAS, Forty years ago, on April 22, 1970, twenty million people joined together for the first Earth Day and brought the urgent need for clean air and water to the attention of the world;

WHEREAS, that first Earth Day launched the environmental movement and sent forth a worldwide call for responsible stewardship of the Earth's resources;

WHEREAS, progress has since been made in improving the environmental health of the Earth, but there remains much critical work to be done at all levels: by citizens, organizations, businesses, industries and governments, including local communities and governments;

WHEREAS, we all are responsible for preserving our planet's resources for our children, grandchildren and future generations;

WHEREAS, the group EARTH DAY DELAWARE has initiated a community-wide day of environmental education, activities and action in Delaware County to mark the 40th anniversary of the first Earth Day and to seek solutions to the problems of today and the future;

NOW THEREFORE, to encourage the community to join together to do our share of the tasks ahead, the County Commissioners of Delaware County, Ohio declare April 17, 2010, to be EARTH DAY IN DELAWARE COUNTY.

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

RESOLUTION NO. 10-304

IN THE MATTER OF PROCLAIMING MARCH, 2010 AS MULTIPLE SCLEROSIS AWARENESS MONTH IN DELAWARE COUNTY, OHIO:

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

Whereas, Multiple Sclerosis is an unpredictable, chronic, and often disabling disease that randomly attacks the central nervous system, and

Whereas, Multiple Sclerosis is the most common disabling disease of adults usually appearing between the ages of 20 and 50. It affects women twice as often as men. Every hour of every day, a new case is diagnosed, and

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Whereas, Multiple Sclerosis symptoms are unpredictable. Symptoms vary from person to person and from time to time in the same person. Multiple Sclerosis can cause blurred vision, loss of balance, poor coordination, slurred speech, tremors, numbness, extreme fatigue, problems with memory and concentration, paralysis, blindness and more, and

Whereas, Multiple Sclerosis is not fatal and people can expect to have a normal or near-normal life expectancy. Over 18,000 Ohioans are living with the daily challenges of Multiple Sclerosis. The cause is unknown and anyone may develop Multiple Sclerosis, and

Whereas, Multiple Sclerosis cannot be cured but there are now medications to slow down the course of disease.

NOW THEREFORE, be it resolved, that the County Commissioners of Delaware County, Ohio, hereby proclaim

MARCH, 2010
as
MULTIPLE SCLEROSIS AWARENESS MONTH
in Delaware County, Ohio

to enhance understanding of the disease, including its causes and health effects, and to support and encourage education programs and research to develop effective therapies and find a cure.

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

RESOLUTION NO. 10-305

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0310, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0310:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0310, memo transfers in batch numbers MTAPR0310 and Purchase Orders as listed below:

PR Number	Vendor Name	Line Desc	Line Account	Line Amount	Line Number
R1003119	OFFICE CITY EXPRESS INC	EQUIPMENT	22311611 - 5250	\$8,000.00	0001

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

RESOLUTION NO. 10-306

IN THE MATTER OF APPOINTING NEIL NEIDHARDT AS THE DELAWARE BOARD OF COUNTY COMMISSIONERS' REPRESENTATIVE TO THE DELAWARE COUNTY DISTRICT LIBRARY BOARD:

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

Whereas, The Board of Commissioners of Delaware County is responsible to make appointments from the public to various boards, councils and committees, and

Whereas, The Board of Commissioners of Delaware County shall appoint Neil Neidhardt to the Delaware County District Library for a seven year term, beginning January 1, 2010 and ending December 31, 2016.

Whereas, a vacancy has existed during a portion of the term, and

Therefore, be it resolved that the Board of Commissioners at Delaware County, State of Ohio, appoint Neil Neidhardt to the Delaware County District Library Board for a seven year term beginning January 1, 2010, and ending December 31, 2016. Effective today March 11, 2010.

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

RESOLUTION NO. 10-307

IN THE MATTER OF AWARDING THE BID TO THE TRIDENT GROUP, LTD FOR ITB #09-06 SECURITY SERVICES FOR DELAWARE COUNTY:

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

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WHEREAS, Delaware County received bids for professional security services for the Delaware County on December 14, 2009. And;

WHEREAS, Delaware County is desires the contractor to provide the most qualified armed security officers. And;

WHEREAS, As indicated in the bid specification, section 1.L: Delaware County will award the bid and contract based on the qualifications as presented and gathered, and meeting the terms and conditions of the bid specification to best serve the County’s interest at a reasonable rate. Lowest cost alone will not be the determining factor. Delaware County reserves the right to request additional information, such as financial statements, credit reports, etc., to determine lowest and best bid status. And;

WHEREAS, A committee with representatives from the Courthouse, Juvenile Court, the Hayes Building, and Facilities Management has carefully reviewed all bids submitted and performed interviews with the top rated bidders. And;

WHEREAS, The Trident Group’s staff and management are intimately familiar with the County’s security needs, operations, and procedures. The Courthouse employees, Judges and Sheriff’s Office supervisor have continued to indicated their satisfaction with the services they have received from the employees of The Trident Group. Furthermore, no problems with tardiness, misuse of County property or resources, poor performance of duties, or any other performance problems with the employees of The Trident Group.

WHEREAS, Delaware County intends to provide the Delaware County Elected Officials, employees, and public with an exceptional level of security with security officers that are highly trained, present a very professional appearance, and will interact professionally and courteously with all who enter the County Buildings. And;

WHEREAS, after carefully reviewing the bids received, the bid submitted by The Trident Group, LTD has been determined to be the lowest and best bid for professional security services;

WHEREAS, The County Administrator recommends this measure for adoption by the Board,

NOW THEREFORE BE IT RESOLVED, that The Board Of Commissioners of Delaware County, State of Ohio, accept and award the bid submitted by The Trident Group, LTD for ITB #09-06 Security Services to provide highest trained armed security officers for Delaware County.

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

RESOLUTION NO. 10-308

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

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

Whereas, The County Administrator recommends this measure for adoption by the Board,

Transfer of Appropriations		Amount
From	To	
41211434-5410 Jail Expansion Fund/Building Improvement > 25,000	41211434-5260 Jail Expansion Fund/Inventoried tools<4999	\$ 6,650.00
41211434-5410 Jail Expansion Fund/ Building Improvement > 25,000	41211434-5328 Jail Expansion Fund/Towing Services	\$ 300.00
Supplemental Appropriations		
50411121-5375	BR RD IMP US23 Lewis Center Road	\$9,000.00
50911126-5375	BR Olentangy Crossing TIF	\$1,200.00

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

COMMISSIONERS’ COMMITTEES REPORTS
(Refer To Cd Minutes For Entire Record)

Commissioner O’Brien
-Attended Delaware Family Children’s First Council Meeting; Groups Working Together

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Commissioner Hanks

- Sheriff's Office 56 Federal Prisoner
- Attended A Fiber Optic Meeting Last Night With Others From The County
- Lowest Unemployment Rate In State But Still 8.4%
- Attended Investment Policy Meeting with Treasurer and Mr. Thompson
- Bicentennial Books For Schools; Would Need 50 Books

Commissioner Thompson

- Bicentennial Books For Schools; Would Like A Resolution To Come Before The Board
- Investment Policy Meeting; Optimistic But Conservative
- CEBCO Question

RESOLUTION NO. 10-309

IN THE MATTER OF WAIVING ANY CONFLICT OF INTEREST OF DELAWARE COUNTY BOARD OF COMMISSIONERS AND THE BERLIN TOWNSHIP TRUSTEES REGARDING AMENDMENT TO LEASE AGREEMENT TO ALLOW DELAWARE COUNTY EMS AT BERLIN TOWNSHIP FIRE STATION:

MOTION: by Mr. Thompson, Seconded by Mr. Hanks, to approve and execute Resolution No. 10-309, waiving any Conflict of Interest of the Delaware County Board of Commissioners and the Berlin Township Trustees regarding Amendment to Lease Agreement to allow Delaware County EMS at Berlin Township Fire Station.

WHEREAS, Pursuant to Ohio Revised Code Section 309.09, the Delaware County Prosecuting Attorney is charged, by himself or acting through his assistants (collectively "Prosecutor"), with acting as legal advisor to numerous Delaware County boards and office holders, as well as all Delaware County township boards and officer holders (individually "Client" and collectively "Clients"). At times, the Prosecutor is faced with a situation which places him in the position of potentially acting as legal advisor to more than one Client at the same time on the same case, matter, or issue (collectively "Issue"). Under such circumstances, the Clients may have the same or different positions on the Issue. Nevertheless, a conflict of interest exists by the Prosecutor simultaneously representing both Clients on the same Issue. The present situation, as described above, presents such a potential conflict of interest by placing the Prosecutor in the position of acting as legal advisor to more than one Client at the same time on the same Issue, and

WHEREAS, the undersigned recognizes the existence of the conflict of interest inherent in the present situation. The undersigned acknowledges that the nature of the above described conflict of interest has been fully and completely disclosed to the undersigned. The undersigned acknowledges that the conflict of interest has been fully explained to the undersigned, the undersigned fully understands the conflict of interest, that the undersigned has had the opportunity to ask the Prosecutor questions regarding the conflict of interest, and all questions that the undersigned may have about the conflict of interest have been fully answered by the Prosecutor to the undersigned's complete understanding and satisfaction. In light of the full and complete disclosure of the conflict of interest and having a complete understanding of the conflict of interest, the undersigned hereby voluntarily and of the undersigned's own free will gives the undersigned's informed consent for the Prosecutor to simultaneously act as legal advisor to the undersigned and all of the above named Other Clients and waives the conflict of interest. By giving such informed consent and waiving the conflict of interest the undersigned acknowledges and understands that the Prosecutor will simultaneously act as legal advisor to the undersigned and the above named Other Clients. The undersigned understands that the Prosecutor will do his best to individually represent each Client's interest whenever and wherever possible. Understanding this, the undersigned, by signing this Client Informed Consent and Waiver of Conflict of Interest, gives the Prosecutor the undersigned's full and complete informed consent and permission to simultaneously act as legal advisor to the undersigned and the above listed Other Clients in the present situation as described above, and

WHEREAS, the undersigned recognizes and understands that this Informed Consent and Waiver may be immediately withdrawn by the above named Client at any time by giving written notice to the Prosecutor signed by the above named Client stating that this Informed Consent and Waiver are withdrawn.

NOW THEREFORE BE IT RESOLVED, by the Board of County Commissioners, Delaware County, State of Ohio, that:

1. The Board of County Commissioners waives any conflict of interest regarding the Amendment to Lease Agreement to allow Delaware County EMS at Berlin Township Fire Station.
2. The Delaware County Prosecutor's Office may continue to act as legal counsel for the Board regarding the Amendment to Lease Agreement to allow Delaware County EMS at Berlin Township Fire Station.

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

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RESOLUTION NO. 10-310

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF PENDING OR IMMINENT LITIGATION:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to adjourn into Executive Session at 9:47AM.

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

RESOLUTION NO. 10-311

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to adjourn out of Executive Session at 10:00AM.

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

RESOLUTION NO. 10-312

IN THE MATTER OF ADJOURNING THE MEETING:

It was moved by Mr. Hanks, seconded by Mr. O'Brien 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