

COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD APRIL 1, 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. 10-398

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD MARCH 29, 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 29, 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. 10-399

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0331:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0331 and Purchase Orders as listed below:

PR Number	Vendor Name	Line Desc	Line Account	Line Amount	Line Number
R1003522	GARDNER ARCHITECTS	ARCHITECT WILLIS RECORDS CENTER	40111402 - 5410	\$24,900.00	0001
R1003553	KAPLAN UNIVERSITY	ONLINE INTERNET EDUCATION -- EMS JANE -- 2010	10011303 - 5305	\$6,300.00	0001

PO' Increase	Vendor	Description	Account	Amount
	Verizon	Service JFS Program	22411603-5330	\$ 1,500.00
	Village of Galena	Trail Project	10011102-5365	\$ 50,000.00

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

RESOLUTION NO. 10-400

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS WITH AMENDMENT:

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

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

Environmental Services is requesting that Kevin Brutchey, Mark Hobler, John Feightner and Marty Bell attend a Laboratory Training Workshop in Marion, Ohio on April 13, 2010 at no cost.

Environmental Services is requesting that Tiffany Jenkins and Blake Jordan (*Matt Lambert is unable to attend*) attend a Bidding for Public Construction Contracts in Ohio training in Dublin, Ohio on April 7, 2010 at a cost of \$398 from org key 66211902-5305.

The Administrative Services Department is requesting that Dawn Huston attend a Continuing Education Seminar in Columbus, Ohio April 5, 2010, at the cost of \$75.00 (Fund Number 10011108).

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

COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD APRIL 1, 2010

DIED FOR LACK OF A SECONDED, RESOLUTION: IN THE MATTER OF AUTHORIZING PAYROLL FOR ECONOMIC DEVELOPMENT:

*It was moved by Mr. Thompson, **Died For Lack Of A Secoded No Vote Taken***

WHEREAS, the Delaware Economic Development Director reports to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners are responsible for the approval of payroll for Economic Development

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

Section 1. Because the Economic Development Director reports directly to the Board as a whole, the Board hereby designates the President of the Board, or in his/her absence, authority to any member of the Board to sign as "Supervisor" on payroll forms.

Effective April 1, 2010

THE FOLLOWING RESOLUTION WAS TABLE UNTIL MONDAY APRIL 1, 2010

RESOLUTION NO. 10-401

IN THE MATTER OF APPROVING AGREEMENT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND THE CITY OF COLUMBUS FOR THE CONSTRUCTION OF THE PLUMB ROAD TRAIL:

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

**INTERGOVERNMENTAL AGREEMENT
PLUMB ROAD TRAIL, HOOVER RESERVOIR**

This Agreement, made and entered into this 1st day of April 2010, by and between the City of Columbus, Ohio, acting by and through its Director of Recreation and Parks, pursuant to Ordinance No. 1500-2009, passed December 7, 2009, (hereinafter referred to as the "City"), and the Delaware County Board of Commissioners (hereinafter referred to as the "Contractor").

WITNESSETH:

WHEREAS, the City desires to provide match funding to Delaware County for construction of the Plumb Road Trail project; and

WHEREAS, the Contractor desires to provide construction services; and

WHEREAS, the City and Contractor are authorized to enter into this Agreement, pursuant to Section 307.15 of the Revised Code;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree to the following:

I. SCOPE OF SERVICES

The Contractor hereby agrees to implement and carry out the trail construction as shown on Exhibit A, attached hereto.

II. TERM

This Agreement shall be in force for a period of nine (9) months commencing not sooner than March 15, 2009, and ending no later than December 31, 2010.

III. COMPENSATION

The City shall pay to the Contractor sums not to exceed the total of \$50,000.00. The City will disburse all funds under this Agreement upon receipt of a written request from the Contractor. Full payment shall be made upon execution of the Agreement and submission of an original invoice.

IV. CONDITIONS OF PAYMENT

COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD APRIL 1, 2010

The City, as provided in this Agreement, shall pay compensation to the Contractor, pursuant and subject to the following requirements and conditions:

- A. *All requests for payment must be in accordance with the fiscal guidelines issued by the Recreation and Parks Department on behalf of the City. At the City's option, advance payments may be made.*
- B. *When it is deemed necessary by the City, or any authorized representative of the City, to conduct an audit of the records of the Contractor, the City may withhold payment until such audit is concluded. Contractor will provide a copy of the annual audit report to the City.*
- C. *In the event funds advanced pursuant to Section IV.A exceed the amount to which the Contractor is entitled under the terms of this Agreement, a final report and any excess funds shall be submitted to the City not later than 90 days following expiration or termination of this Agreement.*
- D. *In the event that funds previously paid to the Contractor under this Agreement are determined to be disallowed costs pursuant to applicable federal, state and local laws and regulations, the City has the right to withhold payments due under the terms of this Agreement for the purpose of compensation.*

VI. SEVERABILITY

The provisions of this Agreement are severable and in the event that one or more of the provisions are found to be inconsistent with legal requirements upon any party, and therefore unenforceable, the remaining provisions shall remain in full force and effect.

VII. EQUAL OPPORTUNITY CLAUSE

- A. *The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or termination; rates of pay or other forms of compensation; and, selection for training. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices summarizing the provisions of this Equal Opportunity Clause.*
- B. *The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that the Contractor is an equal opportunity employer.*
- C. *It is the policy of the City that business concerns owned and operated by minority and female persons shall have the maximum practicable opportunity to participate in the performance of contracts awarded by the City.*
- D. *The Contractor shall permit access to any relevant and pertinent reports and documents for the sole purpose of verifying compliance with this Article, and with the regulations of the Equal Business Opportunity Office. All such materials provided by the Contractor shall be considered confidential.*
- E. *The Contractor will not obstruct City officers or employees in the fulfillment of the duties and responsibilities imposed by Article 1, Title 39, Columbus City Codes.*
- F. *The Contractor and each subcontractor will include a summary of this Equal Opportunity Clause in every subcontract. The Contractor will take such action with respect to any subcontract as is necessary as a means of enforcing the provisions of the Equal Opportunity Clause.*
- G. *The Contractor agrees to refrain from subcontracting any part of this Agreement, or any modification thereto, to a contractor not holding a valid certification number as provided for in Article 1, Title 39, Columbus City Codes.*
- H. *Failure or refusal of a contractor or subcontractor to comply with the provisions of Article 1, Title 39, Columbus City Codes, may result in cancellation of this Agreement.*

VIII. NON-DISCRIMINATION OF THE HANDICAPPED

**COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD APRIL 1, 2010**

- A. *The Contractor will ensure compliance with Section 504 of the Rehabilitation Act of 1983 which provides that “no otherwise qualified handicapped individual shall, solely by reasons of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” A handicapped individual is any person “who (a) has a physical or mental impairment which substantially limits one or more of such person's major life activities; (b) has a record of such impairment; or (c) is regarded as having such an impairment.”*
- B. *Contractors receiving \$25,000.00 or more must also take initial and continuing steps to notify current and potential participants, beneficiaries, applicants and employees that they do not discriminate on the basis of handicapped status. This notification should state, in accordance with 31CFR 51.55(e)(1), that the recipient does not discriminate on the basis of handicapped status in admission or access to, or treatment or employment in, its programs and activities. Notice of non-discrimination should be included in publications and recruitment materials and visible at program sites. Notice must be available in forms accessible to the hearing and visually impaired.*

IX. LIABILITY

As governmental entities, both the City and the Contractor lack the authority to indemnify. Accordingly, with respect to the performance of this Agreement, the City and the Contractor mutually agree to be responsible for the acts or omissions of their respective officials, employees, contractors, and other persons for whom they may be liable, and to hold the other party harmless therefrom.

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

RESOLUTION NO. 10-402

IN THE MATTER OF TABLING; UNTIL MONDAY APRIL 1, 2010, PROPOSED RESOLUTION NO. 10-402 (APPROVING AGREEMENT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND THE CITY OF COLUMBUS FOR THE CONSTRUCTION OF THE PLUMB ROAD TRAIL):

It was moved by Mr. Hanks, seconded by Mr. Thompson to table until Monday April 1, 2010 proposed resolution No. 10-402 (Approving Agreement Between The Delaware County Board Of Commissioners And The City Of Columbus For The Construction Of The Plumb Road Trail).

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

RESOLUTION NO. 10-403

IN THE MATTER OF ACCEPTING SANITARY SEWER IMPROVEMENTS IN LITTLE BEAR VILLAGE SECTION 2:

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

Whereas, the Director of Environmental Services recommends accepting sanitary sewers for ownership, operation, and maintenance by Delaware County as follows:

Little Bear Village Section 2	3647 feet of 8- inch sewer	18- manhole
--------------------------------------	----------------------------	-------------

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

Therefore be it resolved, that the Board of Commissioners approve and accept the above sanitary sewers for ownership, operation, and maintenance by Delaware County.

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

RESOLUTION NO. 10-404

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR REPAIR AND UPGRADE OF FLYGT SUBMERSIBLE MIXERS FOR OECC:

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,

**COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD APRIL 1, 2010**

Supplemental Appropriation

66611903-5410 OECC URF/Improvements \$ 379,805.00

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

RESOLUTION NO. 10-405**IN THE MATTER OF AMENDING RESOLUTION NO 10-132 AND RESOLUTION NO 10-378 FOR ADULT COURT SERVICES :**

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

Whereas Resolution No. 10-132 authorized the transfer of funds in the amount of \$10,000.00 from 10022202-5801 to 25822306-4601, and

Whereas the transaction should have been from 10022202-5801 to 25822305-4601, and

Whereas Resolution NO. 10-378 authorized an increase of appropriation in the amount of \$29,922.40 to 25822305-5001, and

Whereas the transaction should have been a decrease of appropriation in the amount of \$263.18 to 25822305-5001

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

Therefore be it resolved that the Board of Delaware County Commissioners do hereby authorize the corrections as listed above.

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

-None

Commissioner Hanks

-U.S. Census Response For Delaware County Is Up To 52%

-Tribute Went Well

-Idea Of A Program Between Delaware County And Repair Shop At Delaware Area Career Center

-Thought The Joint County/City Meeting On Monday Night Went Well

-Article About Google Broad Band

-52 Federal Prisoner In County Jail

-Board Of Elections Needs Volunteers

-Fiber Optic In Other Countries

Commissioner Thompson

-Received A Phone Call About Putting A Possible Pathway On An Easement Near The Willis Building

-Delaware County Fair Possible Request On VIP Section Of Stands

- Energy Sources In School District In Upper Scioto Valley

RESOLUTION NO. 10-406**IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF PENDING OR IMMINENT LITIGATION AND FOR COLLECTIVE BARGAINING:**

It was moved by Mr. Hanks, seconded by Mr. O'Brien to adjourn into Executive Session at 9:40AM.

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

RESOLUTION NO. 10-407**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 10:27AM.

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

COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD APRIL 1, 2010

RESOLUTION NO. 10-408

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

Todd Hanks

Ken O'Brien

Tommy Thompson

Letha George, Clerk to the Commissioners