

COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD APRIL 15, 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. 10-479

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD APRIL 12, 2010:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on April 12, 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
(Refer To Cd Minutes For Entire Record)

George Kaitsa, County Auditor
-U.S. Census Delaware County

RESOLUTION NO. 10-480

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0414, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0414:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0414, memo transfers in batch numbers MTAPR0414 and Purchase Orders as listed below:

	<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>	
PO' Increase					
	Wenings/Alum Creek	Geothermal Units at ACWRF	66211904-5328	\$ 2,000.00	
PR Number	Vendor Name	Line Desc	Line Account	Line Amount	Line
R1003755	ITT FLYGT CORPORATION	6 SKIMMER PUMPS AND REBUILD KITS	66211903 - 5270	\$5,209.00	0001
R1003755	ITT FLYGT CORPORATION	6 SKIMMER PUMPS AND REBUILD KITS	66211904 - 5270	\$5,209.00	0002
R1003793	CALLOS COMPANIES,THE	STAFFING	22311614 - 5348	\$15,000.00	0001
R1003796	CALLOS COMPANIES,THE	SUBSIDIZED EMPLOYMENT PROGRAM	22411601 - 5301	\$29,039.57	0001
R1003808	LIBERTY TWP FIRE DEPT	2010 EMS RUNS	10011303 - 5345	\$190,000.00	0001
R1003813	COMMISSIONERS	CENTRAL SERVICES COST ALLOCATIONS - OECC	66211903 - 5380	\$123,943.50	0001

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R1003813	COMMISSIONERS	CENTRAL	66211904 - 5380	\$123,943.50	0002
		SERVICES COST			
		ALUM CREEK			

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

RESOLUTION NO. 10-481

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

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

The Environmental Services Department is requesting that Len Wagner attend a Work Zone Traffic Control and Safety Class in Ashland, Ohio on May 25, 2010 at a cost of \$45.00 (Fund Numbers 66211903 and 66211904).

The Environmental Services Department is requesting that Todd Ward attends a Wastewater Review class in Zanesville, Ohio on April 22 and April 23, 2010 at a cost of \$390.00 (Fund Numbers 66211903).

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

RESOLUTION NO. 10-482

IN THE MATTER OF APPROVING A REVISED DATE AND TIME TO RECEIVE REQUEST FOR PROPOSALS FROM CONTRACTORS FOR THE INSTALLATION AND DEVELOPMENT AND POTENTIAL MANAGEMENT AND MAINTENANCE OF THE DELAWARE FIBER LINK:

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

Whereas, Resolution No. 10-424 And Resolution No. 10-436 approved Request For Proposals From Contractors For The Installation And Development And Potential Management And Maintenance Of The Delaware Fiber Link, and

Whereas, the County Auditor and Data Center Director recommend and approve a revised date and time to receive request for proposals from contractors for the installation and development and potential management and maintenance of the Delaware Fiber Link, and

Whereas, the revised date for request for proposals to be received at the Delaware County Commissioners' Office, 101 North Sandusky Street, Delaware, Ohio 43015 is until Thursday April 29, 2010 (at 4:00PM). Only one (1) original is to be included. Submittals pursuant to this invitation will not be received after the hour and date stated above.

Now Therefore Be It Resolved, that the Delaware County Board of Commissioners approve the revised date and time for the receipt of request for proposals from contractors for the installation and development and potential management and maintenance of the Delaware Fiber Link.

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

RESOLUTION NO. 10-483

IN THE MATTER OF DECLARING APRIL 18 THROUGH 24, 2010 NATIONAL CRIME VICTIM'S RIGHTS WEEK IN DELAWARE COUNTY:

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

Whereas, Delaware County continues its efforts to prevent and respond to crime at every level, it will never neglect to show fairness, dignity, and respect to victims and survivors of crime, and will honor them during National Crime Victim's Rights Week, 2010.

Whereas, Delaware County will observe National Crime Victim's Rights Week from April 18 through 24 by placing a flag on the lawn of the Delaware County Commissioner's Office for each victim of violent crime as recognized by the Delaware County and City Courts in the year 2009, it is hoped this will illustrate to residents how much crime impacts this community, and demonstrate compassion and support to all victims and survivors.

Therefore, it is with great admiration of the Delaware County Commissioners, who express their appreciation for those victims and survivors who have turned their personal tragedies into a magnanimous force that not only

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serves to improve the rights and treatment of other crime victims, but also builds a better, more just community, and for those people who work on behalf of crime victims such as volunteers, law enforcement officers, prosecutors, victim service providers, health care professionals, community control officers, post release control officers, counselors, and a host of many others whose dedication and service to crime victims help to lessen the trauma and assist in their personal recoveries;

Now therefore be it resolved by the Board of Commissioners of Delaware County

The week of April 18 through 24, 2010, is declared National Crime Victim's Rights Week in Delaware County, and all citizens of Delaware County are encouraged to use this week to reaffirm their commitment to victims of crime by extending to them respect, understanding, and compassion.

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

RESOLUTION NO. 10-484

IN THE MATTER OF APPROVING A CONTRACT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND MEADOWS CREEK SUPPLY COMPANY FOR – VENDING MACHINE SERVICES FOR DELAWARE COUNTY:

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

Whereas, the Facilities Supervisor recommends approval of the contract between the Delaware County Commissioners and Meadows Creek Supply Company for – Vending Machine Services for Delaware County;

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

Now Therefore Be It Resolved, that the Delaware County Board of Commissioners approve the contract between The Delaware County Commissioners and Meadows Creek Supply Company for – Vending Machine Services for Delaware County.

**Delaware County Board of Commissioners
Contract
This Contract made by and between:**

**Meadows Creek Supply Company
101 Calumet Court
Ostrander, OH 43061**

(the "Contractor") and the Delaware County Board of Commissioners (the "Owner").

In consideration of the mutual promises herein contained, the Delaware County Board of Commissioners and the Contractor agree as set forth below:

ARTICLE 1

1.1 The Contractor shall provide the services as described in the response to the Request for Proposals (RFP), which is attached hereto as Exhibit "A", and as necessary to produce the results intended by the RFP Documents for:

RFP #09-04 – Vending Machine Services
For Delaware County, Ohio

ARTICLE 2

2.1 The Contractor for the performance of this Contract, subject to additions and deletions as provided in the documents, at no cost, based upon the proposal, submitted by the Contractor and opened on December 14, 2009.

ARTICLE 3

3.1 The original term of this contract shall be for Two (2) years, beginning April 1, 2010, and ending March 31, 2012.

3.2 This contract may be renewed at the end of the original period for up to two (2) additional one (1) year periods, if agreed upon in writing by both parties.

3.3 The Delaware County Board of Commissioners may, at its sole option, terminate this Contract with the contractor upon written notice of its intent to do so. Furthermore, it is understood and agreed that should the

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contractor fail to provide the quality of good and/or service(s) as specified in the bid instructions, such failure shall constitute a breach of this Contract. Upon a breach of the Contract, the Delaware County Board of Commissioners may, at its sole option, terminate this Contract with the contractor effective immediately upon written notice of its intent to do so.

ARTICLE 4

4.1 This Contract shall embody the entire understanding of the parties and form the basis of the Contract between the Delaware County Board of Commissioners and the Contractor. The Bid Documents shall be considered to be incorporated by reference into this Contract as if fully rewritten herein, and made a part hereof. This Contract, along with all documents incorporated by reference, 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.

4.2 The Contract and any modification, amendments or alterations thereto shall be governed, construed and enforced by and under the laws of the State of Ohio. Any legal action arising pursuant to this Contract shall be filed in and heard before the courts of Delaware County, Ohio.

4.3 If any term or provision of the Contract, or the application thereof to any person or circumstance, is finally determined, to be invalid or unenforceable by a court of competent jurisdiction, the remainder of the Contract or the application of such term or provision to other persons or circumstances, shall not be affected thereby, and each term and provision of the Contract shall be valid and enforced to the fullest extent permitted by law.

4.4 To the fullest extent permitted by law, the Contractor shall indemnify, save and hold the Delaware County Board of Commissioners, its officers, agents, servants, and employees free and harmless of all actions, claims, demands, judgments, damages, losses and expenses, including but not limited to attorney's fees, arising from any accident or occurrence related in any manner to the Contractor's performance of this Contract. The Contractor shall undertake to defend, at its own expense, any and all actions, claims, or demands brought against the Delaware County Board of Commissioners by reason of the things above specified, and to pay, settle, compromise and procure the discharge of any and all judgments, damages, losses and expenses, including but not limited to attorney's fees. No employee of the Contractor shall at any time be considered an agent or employee of the Delaware County Board of Commissioners.

4.5 Insurance:

4.5.1 General Liability Coverage: Contractor shall maintain commercial general liability insurance with a limit of not less than \$1,000,000 each occurrence with an annual aggregate of not less than \$2,000,000, including coverage for subcontractors, if any.

4.5.2 Automobile Liability Coverage: Contractor shall maintain automobile liability insurance with a limit of not less than \$1,000,000 each accident. Such coverage shall include coverage for owned, hired and non-owned automobiles.

4.5.3 Workers' Compensation Coverage: Contractor shall maintain workers' compensation coverage as required by the laws of the State of Ohio.

4.5.4 Additional Insureds: The County, its elected officials and employees, shall be named as additional insureds with respect to all activities under this Contract in the policies required by Subsection 4.5.

4.5.5 Proof of Insurance: Prior to the commencement of any work under this Contract, Contractor shall furnish the County with properly executed certificates of insurance for all insurance required by this Contract. Certificates of insurance shall provide that such insurance shall not be cancelled without thirty (30) days prior written notice to the County. Contractor will replace certificates for any insurance expiring prior to completion of work under this Contract.

4.6 No waiver of breach of any provision of this Contract shall in any way constitute a waiver of any prior, concurrent, subsequent, or future breach of this Contract or any other provision hereof. No term or provision of this Contract shall be deemed waived, and no breach excused, unless such a waiver or consent is expressly made in writing and signed by the party claimed to have waived or consented. Such waiver shall not constitute and shall not in any way be interpreted as a waiver of any other term or provision or future breach unless said waiver expressly states an intention to waive another specific term or provision or future breach.

4.7 For all services being provided under this Contract, the Delaware County Board of Commissioners shall have the right and Contractor agrees to allow the inspection and examination of any and all books, accounts, invoices, records, writings, or documentation of any type and in any form which it maintains in relation to performing said services

4.8 The Contract shall be binding on the Contractor and the Delaware County Board of Commissioners,

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their successors and assigns, in respect to all covenants and obligations contained in the Contract, but the Contract may not be assigned by the Contractor without the prior written consent of the Delaware County Board of Commissioners.

4.9 Ohio Revised Code Section 3517.13 I(3) and J(3) requires that no political subdivision shall award any contract for the purchase of goods with a cost aggregating more than ten thousand dollars in a calendar year or services with a cost aggregating more than ten thousand dollars in a calendar year to a corporation, business trust, individual, partnership or other unincorporated business, association, including, without limitation, a professional association organized under Chapter 1785 of the Revised Code, estate, or trust unless the political subdivision has received for that calendar year, or the contract includes, a certification that the individuals named in Revised Code Sections 3517.13(I)(1) and (J)(1) are in compliance with the aforementioned provisions. The Contractor/Provider, therefore, is required to complete the attached certificate/affidavit entitled "Certification/Affidavit in Compliance With O.R.C. Section 3517.13." Failure to complete and submit the required aforementioned certificate/affidavit with the Contract will prohibit the County from entering, proceeding, and/or performing the Contract. Such certification is attached to this Contract and by this reference made a part thereof.

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

4.11 Contractor 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, Contractor agrees to 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.

ARTICLE 5

5.1 It is expressly understood by the Contractor that none of the rights, duties and obligations described in the Contract shall be valid and enforceable unless the Delaware County Auditor first certifies funds are available.

5.2 The Contract shall become binding and effective upon the completion of 5.1 and execution by the Delaware County Board of Commissioners.

ARTICLE 6

6.1 This Contract has been executed in several counterparts, each of which shall constitute a complete original Contract, which may be introduced in evidence or used for any other purpose without production of any other counterparts.

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

RESOLUTION NO. 10-485

APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE DELAWARE COUNTY COMMISSIONERS, THE DEPARTMENT OF ENVIRONMENTAL SERVICES, AND AFSME TO ALLOW A MODIFICATION OF SICK LEAVE ACCRUAL:

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

Memorandum of Understanding

Whereas, the collective bargaining agreement (COA) by and between the Delaware County Commissioners, the Department of Environmental Services and AFSCME, Ohio Council 8, Local 2896 under Article 17, Leaves of Absence states that "Each employee who has successfully completed his initial probationary period shall earn four and six-tenths (4.6) hours of sick leave upon successful completion of each additional eighty (80) hours of service", and

Whereas, Mark Howard transferred from the position of Inspector with the Building Regulations Department into the position of Operator with the Regional Sewer District due to a reduction in force, and

Whereas, Mark Howard has been a valued Delaware County employee for over six (6) years and at the time of transfer, Mr. Howard was earning sick leave; and

Whereas Mr. Howard is currently serving a one hundred eighty day (180) probationary period as an Operator with the Regional Sewer District which according to the language of the CBA would not allow him to accrue sick leave immediately; and

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

Therefore, it is hereby agreed by and between the Delaware County Commissioners, the Department of Environmental Services and AFSCME, Ohio Council 8, Local 2896 that Mark Howard shall be allowed to accrue sick leave during his probationary period as an Operator with the Regional Sewer District.

The sick leave accrual shall be retroactive from the first day of transfer into the position of Operator.

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

RESOLUTION NO. 10-486

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

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

The Director of Emergency Medical Services recommends to hire Aaron Bower as a Part-Time Paramedic with the EMS Department; effective April 28, 2010.

The Director of Emergency Medical Services recommends to hire Nathan Greene as a Part-Time Paramedic with the EMS Department; effective April 28, 2010.

The Director of Emergency Medical Services recommends to hire Allison Holtsberry as a Part-Time Paramedic with the EMS Department; effective April 28, 2010.

The Director of Emergency Medical Services recommends to hire James Jones as a Part-Time Paramedic with the EMS Department; effective April 28, 2010.

The Director of Emergency Medical Services recommends to hire Matthew Martin as a Part-Time Paramedic with the EMS Department; effective April 28, 2010.

The Director of Emergency Medical Services recommends to hire Kathleen Mize as a Part-Time Paramedic with the EMS Department; effective April 28, 2010.

The Director of Emergency Medical Services recommends to hire Chelsea Pennington as a Part-Time Paramedic with the EMS Department; effective April 28, 2010.

The Director of Emergency Medical Services recommends to hire Graham Stokes as a Part-Time Paramedic with the EMS Department; effective April 28, 2010.

The Director of Emergency Medical Services recommends to hire John Willis as a Part-Time Paramedic with the EMS Department; effective April 28, 2010.

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

**COMMISSIONERS' COMMITTEES REPORTS
(REFER TO CD MINUTES FOR ENTIRE RECORD)**

Commissioner O'Brien

-Attended DKMM Meeting Along With Commissioner Thompson

-Attended The 911 Administration Meeting; Discussed Process Of Mr. Greenlaw's Evaluation

Commissioner Hanks

-Acknowledged Fred Fowler With Code Compliance And The Health Department

-36/37/71 Meeting

Commissioner Thompson

--Attended DKMM Meeting (Along With Commissioner O'Brien) New Director Ideas

RESOLUTION NO. 10-487

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

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Todd Hanks

Ken O'Brien

Tommy Thompson

Letha George, Clerk to the Commissioners