

COMMISSIONERS JOURNAL NO. 54 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 7, 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. 10-1170

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD SEPTEMBER 2, 2010:

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 2, 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. 10-1171

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0903:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0903 and Purchase Orders as listed below:

	<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>	
PO' Increase					
	Beem's	Gasoline	10011106-5228	\$30,000.00	
PR Number	Vendor Name	Line Desc	Line Account	Line Amount	Line Number
R1005254	GENOA TOWNSHIP	JANUARY 2010 TO JUNE 2010 LEASE AGREEMENT	10011303 - 5335	\$8,000.00	0001
R1005731	DESIGN BUILD SOLUTIONS	NEW ROOFING FOR THE RAW BUILDING, NORTH PLANT	66611903 - 5410	\$114,911.00	0001
R1005783	CITY OF DELAWARE	2ND QUARTER EMS RUNS	10011303 - 5345	\$138,640.35	0001
R1005836	GOTCO EXCLUSIVE CARPET CARE	CARPET CLEANING ALL COUNTY OFFICE BALANCE 2010	10011105 - 5328	\$12,239.31	0001
R1005849	BERLIN TOWNSHIP TRUSTEES	2010 LEASE AGREEMENT	10011303 - 5335	\$14,000.00	0001
R1005851	DAKIN INSURANCE AGENCY INC	WORKERS COMP EXCESS INSURANCE	61311923 - 5370	\$49,388.00	0001

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

RESOLUTION NO. 10-1172

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0903GC:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve Then And Now Certificates, payment of

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warrants in batch numbers CMAPR0903GC and Purchase Orders as listed below:

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

RESOLUTION NO. 10 -1173

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Child Support Enforcement Agency is requesting that Christine Dobrovich, Kelly Mills and Regina Prouty attend Training on Interstate Child Support Procedures in Fulton County September 15, 2010, at the cost of \$22.50 (Fund Number 23711630).

The Administrative Services Department is requesting that Christine Shaw attend a Meeting for the Delaware County Memory Project in Sunbury, Ohio September 17, 2010, at the cost of \$9.00. (Fund Number 10011103).

Juvenile/Probate Court is requesting that Chynia Dickerson attend the 18th Annual What Work Conference for Community Corrections in Louisville, Kentucky October 31- November 3, 2010, at no cost.

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

RESOLUTION NO. 10-1174

SETTING DATE, TIME AND PLACE FOR THE FINAL HEARING BY THE COMMISSIONERS FOR THE CONDOMINIUM AT THE WOODS AT MEDALLION DITCH MAINTENANCE PETITION PROJECT:

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

Whereas, the Board of Commissioners of Delaware County on June 7, 2010, held a public hearing and determined the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for the improvement/maintenance of the Condominium at The Woods at Medallion Ditch Maintenance Petition Project, and

Whereas, at that time the Delaware County Commissioners directed the Delaware County Engineer to proceed with the preparation of plans, reports, and schedules for the completion of the ditch project, and

Whereas, the Delaware County Engineer has notified the Commissioners that the plans, reports, and schedules for the Condominium at The Woods at Medallion Ditch Maintenance Petition Project are being finalized for their review and consideration.

Therefore be it Resolved, the Board of County Commissioners of The County of Delaware have fixed **Monday the 1st day of November, 2010, at 7:15PM** at the Commissioners Hearing Room 101 North Sandusky Street Delaware, Ohio as the time and place of the final hearing by the Commissioners on the report of the County Engineer.

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

RESOLUTION NO. 10-1175

IN THE MATTER OF AWARDING THE BID AND APPROVING THE CONTRACT WITH TRUCCO CONSTRUCTION COMPANY FOR THE HOME ROAD WIDENING AT CONCORD TOWNSHIP HALL:

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

DEL-CR124-1.03

**Home Road Widening At Concord Township Hall
Re-bid Opening of August 24, 2010**

Whereas, as the result of the above referenced bid opening, The Engineer recommends that a bid award be made to Trucco Construction Company of Delaware, Ohio, the low bidder for the project. A copy of the bid tabulation is available for your information, and

Whereas, available are two copies of the Contract with Trucco for your approval along with copies of the Certification/Affidavit in Compliance with O.R.C. Section 3517.33 and the Terrorist Exclusion List, and

Whereas, the County Engineer recommends approval of the contract between the Delaware County Commissioners and Trucco Construction Company For The Home Road Widening At Concord Township Hall;

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Now Therefore Be It Resolved, that the Delaware County Board of Commissioners approve the contract between The Delaware County Commissioners and Trucco Construction Company For The Home Road Widening At Concord Township Hall.

CONTRACT

THIS AGREEMENT is made this 7th day of September, 2010 by and between **Trucco Construction Company**, hereinafter called the "Contractor" and the Delaware County Commissioners, hereinafter called the "Owner".

**Trucco Construction Company
3531 Airport Road
Delaware, OH 43015**

The Contractor and the Owner for the considerations stated herein mutually agree as follows:

ARTICLE 1. Statement of Work

The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment, and services, including utility and transportation services, and perform and complete all work required for the construction of the improvements embraced in the project named "DEL-CR 124-1.03, Home Road Widening at Concord Twp Hall-REBID", and required supplemental work for the project all in strict accordance with the Contract Documents.

ARTICLE 2. The Contract Price

The Owner will pay the Contractor for the total quantities of work performed at the unit prices stipulated in the Bid for the respective items of work completed for the sum not to exceed Five Hundred Twenty-Four Thousand Eighty-One dollars and five cents (\$524,081.05), subject to additions and deductions as provided in the Contract Documents.

ARTICLE 3. Contract

The executed Contract Documents shall consist of the following:

- a. This Agreement
- b. Addenda
- c. Invitation to Bid
- d. Instructions to Bidders
- e. Signed copy of bid
- f. Work Specifications (including all plans, drawings, etc.)
- g. Specifications – General Provisions
- h. Federal and State Requirements
- i. This Agreement, together with other documents enumerated in this ARTICLE 3, which said other documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the parties hereto. In the event that any provision in any component part of this Contract conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE 3 shall govern except as otherwise specifically stated.

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

RESOLUTION NO. 10-1176

IN THE MATTER OF DECLARING THE NEED FOR IMPROVEMENTS TO SOUTH OLD STATE ROAD (COUNTY ROAD #10) AND AUTHORIZING THE COUNTY ENGINEER TO PREPARE PLANS, SPECIFICATIONS AND ESTIMATES AND SUBMIT AN APPLICATION FOR FUNDING ASSISTANCE TO THE MID-OHIO REGIONAL PLANNING COMMISSION:

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

AUTHORIZING LEGISLATION

Whereas, Section 5555.022 provides that a Board of Commissioners may resolve, by majority vote, to make improvements to any public road in the county, and;

Whereas, South Old State Road (County Road 10) has been identified as a road that requires safety and traffic flow improvements by the County Engineer, and;

Whereas, federal funds are made available to counties through the Congestion Mitigation and Air Quality (CMAQ) Improvement Program and the Surface Transportation Program (STP) which are administered by the

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Mid-Ohio Regional Planning Commission;

Now, therefore be it resolved that:

Section 1 – Declaration of Need:

The Board has determined that improvements to South Old State Road, extending approximately from Polaris Parkway to East Orange Road, are necessary for the safety, convenience and welfare of the public, and hereby declares that the Improvement known as South Old State Road Improvements shall be initiated for this purpose, and;

Section 2 – Authorization to Prepare Plans, Specifications, Estimates

The County Engineer is hereby authorized to prepare surveys, plans, profiles, cross sections, estimates of cost, and specifications for the Improvement, and;

Section 3 – Funding:

Delaware County will provide necessary funding for the Improvement using funds appropriated for road and bridge construction, and;

Section 4 – Maintenance:

(1) Delaware County commits to provide adequate maintenance for the described Improvement in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for maintenance of the described Improvement; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes, and;

Section 5 – Administration and Authority to Sign:

The County Engineer is designated as the Project Manager and is empowered on behalf of the Board to complete and sign any necessary funding applications for the Improvement and to cooperate with the necessary agencies to facilitate development of the Improvement.

This Resolution is hereby declared to be an emergency measure to expedite the transportation project and to promote transportation safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

RESOLUTION NO. 10-1177

IN THE MATTER OF DECLARING THE NEED FOR IMPROVEMENTS TO HOME ROAD (COUNTY ROAD #124) AND AUTHORIZING THE COUNTY ENGINEER TO PREPARE PLANS, SPECIFICATIONS AND ESTIMATES AND SUBMIT AN APPLICATION FOR FUNDING ASSISTANCE TO THE MID-OHIO REGIONAL PLANNING COMMISSION:

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

AUTHORIZING LEGISLATION

Whereas, Section 5555.022 provides that a Board of Commissioners may resolve, by majority vote, to make improvements to any public road in the county, and;

Whereas, Home Road (County Road 124) at the intersection of State Route 315 has been identified as a road that requires safety and traffic flow improvements by the County Engineer, and;

Whereas, federal funds are made available to counties through the Congestion Mitigation and Air Quality (CMAQ) Improvement Program and the Surface Transportation Program (STP) which are administered by the Mid-Ohio Regional Planning Commission;

Now, therefore be it resolved that:

Section 1 – Declaration of Need:

The Board has determined that improvements to the intersection of Home Road and State Route 315, are necessary for the safety, convenience and welfare of the public, and hereby declares that the Improvement known as Home Road Improvements shall be initiated for this purpose, and;

Section 2 – Authorization to Prepare Plans, Specifications, Estimates

The County Engineer is hereby authorized to prepare surveys, plans, profiles, cross sections, estimates of cost, and specifications for the Improvement, and;

Section 3 – Funding:

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Delaware County will provide necessary funding for the Improvement using funds appropriated for road and bridge construction, and;

Section 4 – Maintenance:

(1) Delaware County commits to provide adequate maintenance for the described Improvement in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for maintenance of the described Improvement; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes, and;

Section 5 – Administration and Authority to Sign:

The County Engineer is designated as the Project Manager and is empowered on behalf of the Board to complete and sign any necessary funding applications for the Improvement and to cooperate with the necessary agencies to facilitate development of the Improvement.

This Resolution is hereby declared to be an emergency measure to expedite the transportation project and to promote transportation safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

RESOLUTION NO. 10-1178

IN THE MATTER OF APPROVING A JOB DESCRIPTION FOR THE BWC / HUMAN RESOURCES COORDINATOR:

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

**DELAWARE COUNTY
 Human Resources**

TITLE: BWC / Human Resources Coordinator

JOB OBJECTIVES: Individual coordinates the workers compensation / safety program and serves as an informational resource for personnel and employment matters by directly assisting the functions of the Human Resources Department. . Individual reports to the Director of Human Resources.

ESSENTIAL JOB FUNCTIONS:

- * Coordinates and manages all aspects of the county’s Bureau of Workers Compensation (BWC) program;
- * Coordinates and manages the Safety program for all departments operating under the Board of Commissioners;
- * Acts as a liaison between the county, county employees, the managed care organization, third party administrator, the Bureau of Worker’s Compensation and any other consultants including legal counsel on all Workers Compensation claims including representing the County at all BWC hearings;
- * Tracks, investigates and reviews incidents and workers compensation claims to ensure they are reported in a timely fashion and in compliance with policies and procedures;
- * Recommends, develops, coordinates, implements, and administers policies and procedures for the County’s safety and workers compensation programs;
- * Develops, coordinates, implements and directs required safety training programs and activities including providing safety training and determining training effectiveness;
- * Conducts regular safety inspections of county work locations and buildings providing written recommendations to resolve unsafe working conditions and practices;
- * Coordinates and investigates all work related accidents and illnesses to minimize or prevent future occurrences;
- * Assists departments in achieving compliance with OSHA / PERRP regulations, including but not limited to: conducting safety audits, training and required record keeping;

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- * Recommends, manages and oversees the workers compensation and safety program budget;
- * Performs driver record checks and personal automobile insurance reviews annually to ensure that employees meet the qualifications to drive on county business;
- * Provides technical assistance to management and staff regarding personnel and employment matters, including but not limited to: interpreting ADA, FLSA, Civil Rights, Employee Handbook, SOP, etc. and recommends corrective action when appropriate;
- * Assists in matters regarding the Family and Medical Leave Act (FMLA) and sick leave donation;
- * Creates, updates, and maintains personnel records, position descriptions, organization charts, prior public service records and county wage and salary scales / surveys;
- * Recommends and develops updates to county policies and procedures;
- * Conducts new employee safety orientation and assists with the payroll and policies orientation as necessary;
- * Develops, coordinates, and oversees applicable training programs to further develop employees' skills and abilities;
- * Assists with completing mandatory federal and state reporting; including, but not limited to: Workers Compensation, Safety, EEO and EEOP reporting;
- * Interprets and implements Federal and State regulations including staying abreast of legislative changes and mandates specifically related to workers compensation, safety, employment and labor matters;
- * Supports the Human Resources Department and other programs by working with local agencies to include recommending and monitoring contracts, attending meetings, conferences, workshops, training sessions, and performing a variety of public relations duties;
- * Devises correspondence, completing forms and developing reports associated with human resources programs; and
- * Handles client complaints and public inquiries regarding programs.

NON-ESSENTIAL JOB FUNCTIONS:

Performs related Essential/Non-Essential functions and other any other duties, as required.

I. JOB REQUIREMENTS

Equipment: Ability to operate a variety of office equipment such as computer, copier, typewriter, telephone, calculator, FAX machine, VCR, and other equipment necessary to perform duties.

Critical Skills/Expertise:

- * Thorough knowledge of applicable federal, state and county government policies and procedures;
- * Thorough knowledge of OSHA standards and programs, DOT standards and regulations, road safety standards, and drug and alcohol testing procedures;
- * Thorough knowledge of workers compensation and industrial commission processes and procedures;
- * Ability to apply program policies and procedures to assist County employees/departments in the safe performance of their responsibilities;
- * Ability to define and solve problems, collect data, establish facts, draw valid conclusions using judgment, and analytical skills;
- * Thorough knowledge of counseling and disciplinary procedures;
- * Ability to aid management staff with supervisory issues and problems;

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- * Extensive knowledge of and ability to apply program policies and procedures to assist staff in the performance of their responsibilities;
- * Ability to communicate effectively, both orally and written;
- * Ability to work effectively with clients who may be upset, distraught, irate, emotionally or mentally or otherwise unable to function within reasonable range of constructive behaviors;
- * Ability to work independently, under pressure, and to set and achieve goals;
- * Ability to motivate staff and clients;
- * Ability to organize and maintain large volumes of information and paperwork; and
- * Ability to effectively program plan independently and in collaboration with other staff units and outside agencies.

Job Standards: Bachelor's degree in Human Resources or related area plus four (4) years related work experience. Must possess a State of Ohio Driver's License and acceptable driving record. Must meet and maintain qualifications for driving on county business at all times. All required licenses and certifications must be maintained as a continued condition of employment.

II. DIFFICULTY OF WORK

Work consists of complex, varied, standardized and non-standardized tasks requiring application of numerous laws, rules, regulations, and procedures. Individuals are required to provide technical assistance to staff personnel on programs, policies, and the interrelationship of programs under extremely complex and difficult situations. It requires the individual to be continually aware of changes occurring which must be learned and passed on to staff. Procedures must be developed for implementing changes at the local level.

III. RESPONSIBILITY

Supervisor provides general guidance allowing the individual the ability to plan the procedures and methods to attain objectives. Individual operates independent of supervision in handling daily operations, normally receiving supervisor's input when needed. Errors in work may cause inaccuracies in reports, records, or technical data resulting in inaccurate or incomplete information and can potentially result in unsafe working conditions, loss of life, or litigation against the County.

IV. PERSONAL WORK RELATIONSHIPS

Contact is with co-workers, employees from public and private sector organizations and the public. The purpose of these contacts is to guide and direct, check on progress of work assigned, coordinating services, job development/referrals, make recommendations and handle questions about department, programs and client concerns.

V. PHYSICAL EFFORT AND WORK ENVIRONMENT

Physical Requirements: The physical requirements of the position are identified as sedentary work, which may require the lifting of up to twenty-five (25) pounds.

Physical Activity: The physical activity of the position includes manual dexterity, talking, hearing, listening, reaching, and walking.

Visual Activity: The minimum visual activity of the seeing job is close to the eyes.

Job Location: Individual works both inside and outside with no effective protection from the weather. Individual is exposed to temperatures below 32 degrees and above 100 degrees for periods of more than one hour. Individual is exposed to physical hazards and adverse atmospheric conditions such as fumes, odors, mists, gases and poor ventilation.

Safety Equipment: Individual is required to wear hard hat, eye protection, hearing protection, highway safety vest, steel-toed shoes, respirators, gloves and any other safety equipment necessary to complete work duties.

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

RESOLUTION NO. 10-1179

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

The Administrative Services Director recommends a job description change involving additional duties of coordinating the county's safety program under the Board of Commissioners for Brad Euans the BWC / Human Resources Coordinator; effective September 4, 2010.

Therefore Be It Resolved, that the Board of County Commissioners approve a job description change involving additional duties of coordinating the county's safety program under the Board of Commissioners for Brad Euans the BWC / Human Resources Coordinator; effective September 4, 2010.

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

RESOLUTION NO. 10-1180

IN THE MATTER OF RE-APPOINTING CYNTHIA TIZZANO AND CAROLYN SLONE AS THE DELAWARE BOARD OF COUNTY COMMISSIONERS' REPRESENTATIVES TO THE DELAWARE - MORROW MENTAL HEALTH & RECOVERY SERVICES 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 representatives to the Delaware-Morrow Mental Health and Recovery Services Board; Cynthia Tizzano and Carolyn Slone will both be re-appointed to complete a four year term beginning July 1, 2010 and ending June 30, 2014;

Therefore, be it resolved that the Board of Commissioners at Delaware County, State of Ohio, re-appoint Cynthia Tizzano and Carolyn Slone to complete a four year term beginning on July 1, 2010 and ending on June 30, 2014 to the Delaware-Morrow Mental Health and Recovery Services Board.

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

RESOLUTION NO. 10-1181

IN THE MATTER OF RE-APPOINTING PAMELA BORATYN AND APPOINTING JUDITH MAXWELL AND MICHELLE BLANK TO THE DELAWARE COUNTY PUBLIC DEFENDER COMMISSION:

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

WHEREAS, the Delaware County Board of Commissioners (the "Board") is responsible for making appointments from the public to various boards, councils and committees; and

WHEREAS, pursuant to section 120.13 of the Revised Code, the Board shall make three appointments to the Delaware County Public Defender Commission; and

WHEREAS, the Board has determined to reappoint Pamela Boratyn and appoint Judith Maxwell and Michelle Blank to the Delaware County Public Defender Commission; and

WHEREAS, at least one of the appointees is an attorney licensed to practice law in the State of Ohio, in accordance with section 120.13 of the Revised Code;

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

Section 1. Pamela Boratyn is hereby reappointed to the Delaware County Public Defender Commission for a four-year term commencing May 8, 2010 and ending May 8, 2014.

Section 2. Judith Maxwell is hereby appointed to the Delaware County Public Defender Commission for a four-year term commencing May 8, 2010 and ending May 8, 2014. The Board has verified that the appointee is an attorney admitted to the practice of law in the State of Ohio.

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Section 3. Michelle Blank is hereby appointed to the Delaware County Public Defender Commission to fill an unexpired four-year term that commenced May 8, 2008 and ends May 8, 2012.

Section 4. The appointments made herein shall take immediate effect upon adoption of this Resolution.

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

RESOLUTION NO. 10-1182

IN THE MATTER OF SETTING BID OPENING DATE AND TIME FOR THE CITY OF POWELL ADA RENOVATION TO A MUNICIPAL OWNED BUILDING THAT WILL BE USED TO HOUSE A BUSINESS INCUBATOR THAT PROMOTES START-UP BUSINESSES AND THE APPROVAL OF ADVERTISING THE PROJECT:

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

Whereas, the Economic Development Director recommends the Bid Opening date of 11:00 AM , September 27, 2010, at 101 North Sandusky Street, Delaware, Ohio 43015, for ADA renovation to the City of Powell municipal owned building that will promote start-up businesses at 44 N. Liberty St., Powell, Ohio. The County approved RLF to fund up to \$100,000 of this project on Resolution no. 09-14 74 and Resolution No. 10-974.

Now Therefore Be It Resolved, that the Delaware County Commissioners approve the Bid Opening date of 11:00 AM, September 27, 2010, at 101 North Sandusky Street, Delaware, Ohio 43015, and the approval of advertising the project:

NOTICE TO CONTRACTORS

Sealed proposals will be received by Delaware County Commissioners located at 101 N. Sandusky St., Delaware, Ohio 43015, until **11:00 am on Monday, September 27, 2010**, for the proposed work set forth in the plans and specifications on file in the above office. At the time hereinbefore mentioned and at the above-indicated office, sealed bids will be publicly opened and read. Work to be performed is described in the bid form.

The proposed work: interior and exterior building renovations.

The estimated cost for this project is **\$155,882.**

All proposals shall be sealed and endorsed for Powell Incubator Project, and mailed or delivered to 101 N. Sandusky St., Delaware, Ohio 43015. Proposals are to be on blank forms furnished in the Contract Documents and included with the specifications.

Plans, specifications, bid forms and contract documents may be viewed at the City of Powell Municipal Building, 47 Hall St., Powell, Ohio 43065. A \$35.00 non-refundable deposit will be required for each set of drawings, specifications, and contract documents, checks made payable to City of Powell.

Each bid must be accompanied by a bid guaranty in the form of a bond with an approved surety company as surety for the execution of the contract. The bid guaranty and contract bond shall be for the full amount of the bid proposal and in the form as contained in the contract documents. Alternately, a certified check, cashier's check or letter of credit pursuant to Chapter 1305 of the revised code, in the amount of 10 percent of the bid will be accepted as a bid guaranty. Each proposal must contain the full name and address of every person or company interested in the same.

The County of Delaware hereby notify all bidders that they affirmatively insure that regard to any contract entered into pursuant to this advertisement, Minority Business Enterprise (MBE) AND Women's Business Enterprise (WBE) will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award. The County of Delaware is an equal opportunity employer and requires all persons contracting with the County to certify that they are equal opportunity employers and that they do not discriminate on the grounds of race, color, religion, sex or national origin.

Bidders are required to comply with the MBE/WBE requirements set forth. In part, this means that any bidder, to the extent that it subcontracts work, shall award subcontracts to certified Minority Business Enterprise/Women's Business Enterprise in an aggregate dollar value of no less than 7.3% of the contract for MBE and 6.9% of the contract for WBE. This percent can include materials and supplies. The bid specifications provided further details on these requirements.

All Contractors and subcontractors involved with the project will, to the extent practicable use Ohio products, materials, services, and labor in the implementation of their project. Additionally contractor compliance with the equal employment opportunity requirements of Ohio Administrative Code Chapter 123, the Governor's Executive

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Order of 1972, and Governor’s Executive Order 84-9 shall be required.

Attention of bidders is called to all of the requirements contained in this bid packet, particularly to the Federal Labor Standards Provisions and Davis-Bacon Wages, various insurance requirements and various equal opportunity provisions. Bidders must comply with the provisions of the Americans with Disabilities Act of 1990.

A **Pre-bid** conference will be held at Powell Business Incubator site at **10:00 am on Monday, September 20, 2010, in the City of Powell address 44 N. Liberty St., Powell, Ohio 43065.** Contractors are required to attend the pre-bid conference.

Copies of the Bidding documents are available for inspection by prospective bidders at the following location:

City of Powell Municipal Building
47 Hall St.
Powell Ohio 43065
Monday – Friday 8:00 am – 5:00 pm

No bidder may withdraw his bid within sixty (60) days after the actual date of the opening thereof. The County reserves the right to reject any and all bids and to waive any irregularities. All bids will be considered based on lowest and best bid.

DELAWARE COUNTY COMMISSIONERS
CITY OF POWELL

Published Dates: (2 dates)-September 10, 2010 and September 17, 2010

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

RESOLUTION NO. 10-1183

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR THE ECONOMIC DEVELOPMENT DEPARTMENT:

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

Supplemental Appropriations

23011702-5365	Program Income- DCHIP	\$16,572.13
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Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 10-1184

IN THE MATTER OF APPROVING A REPOSTING FOR ADULT COURT SERVICES MENTAL HEALTH DOCKET:

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

Please Repost

To	From	
10022202	25922307	
5001-Compensation		8,148.00
5102-Workers Comp		162.96
5120-PERS		1,140.72
5131-Medicare		118.15

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

RESOLUTION NO. 10-1185

IN THE MATTER OF APPROVING A TRANSFER OF APPROPRIATIONS FOR THE CLERK OF COURTS OFFICE:

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

Transfer of Appropriation

From	To	
28129204-5301	28129204-5260	\$ 7,280.00
Common Pleas DATA Fund/Services	Common Pleas DATA Fund/Tools	

**COMMISSIONERS JOURNAL NO. 54 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 7, 2010**

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

RESOLUTION NO. 10-1186

IN THE MATTER OF APPROVING A JOINT REPRESENTATION LETTER FOR THE CITY OF DELAWARE, THE BOARD OF COUNTY COMMISSIONERS AND SQUIRE SANDERS & DEMPSEY LLP IN CONNECTION WITH THE PROPOSED FINANCING AND EXTENSION OF SAWMILL PARKWAY WITHIN THE COUNTY AND THE CITY:

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

Whereas, on August 30, 2010 with Resolution No. 10-1157 The Board Of Delaware County Commissioners Approved An Engagement Letter Between The Delaware County Commissioners And Squire Sanders & Dempsey Llp; and

Whereas, the following is a Supplemental Engagement Letter;

Now Therefore Be It Resolved, that the Delaware County Commissioners approve the following is a Supplemental Engagement Letter:

Squire, Sanders & Dempsey L.L.P.
2000 Huntington Center
41 South High Street
Columbus, OH 43215-6197
Office: +1.614.365.2700
Fax: +1.614.365.2499
Direct Dial: +1.614.365.2737
cfranzmann@ssd.com

August 23, 2010

VIA E-MAIL

Deborah Martin
Acting County Administrator
Delaware County, Ohio
101 North Sandusky Street
Delaware, Ohio 43015

R. Thomas Homan
City Manager
City of Delaware, Ohio
One South Sandusky Street
Delaware, Ohio 43015

Re: Proposed Financing and Extension of Sawmill Parkway

Dear Debbie and Tom:

We thank you for the opportunity to advise both Delaware County, Ohio (the "County") and the City of Delaware, Ohio (the "City" and together with the County, the "Parties") in connection with the proposed financing and extension of Sawmill Parkway within the County and the City. In connection with this project, we understand that our representation will include participation in conferences to discuss issues related to the Parties' ability to cooperatively finance and construct the extension of Sawmill Parkway, preparation and review of documents and proceedings in connection therewith, and any necessary research and review of and rendering advice as to applicable laws (the "Representation"). This representation will not include any efforts relating specifically to the issuance of debt by either of the Parties as such matters would be addressed in separate engagement letters to each of you. This letter will supplement our original General Engagement Letters with the County and the City, each dated August 23, 2010, and will serve as the Supplemental Engagement Letter for this Representation.

General Matters

A written engagement agreement for legal services is recommended in Ohio and the other jurisdictions in which the Firm practices law. The engagement agreement for this Representation between the Firm and the County and the City consists of this letter, the General Engagement Letters and the Terms and Conditions of Engagement attached to the respective General Engagement Letters (the "Terms") and is intended to achieve a clear understanding between the Firm and the County and the City. Based on our review of the information available to us, we are not aware of any current conflicts. If at any time during the course of any Representation we learn of a

**COMMISSIONERS JOURNAL NO. 54 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 7, 2010**

conflict, or the County or the City concludes that a conflict exists, we will promptly consult with you to resolve it.

Joint Representation

Our Firm has long-standing attorney-client relationships with both the County and the City. The County and the City have each determined to retain the Firm to represent them in the above-referenced matter. Subject to the respective approval of both Parties, we have agreed to undertake this joint representation, in part because we perceive no ethical bar or practical impediment to doing so under the circumstances presented here. Based on the facts as we know them, we believe that we can represent both the County and the City in this matter with equal vigor and without conflict of interest, and that such joint representation will help us achieve the best and most cost-effective result possible for both clients. We also understand that the County will also be represented by and seeking counsel from the Delaware County Prosecuting Attorney and the City by the City Attorney.

The County and the City must, however, be aware that there are certain risks inherent in any joint representation. These risks include, among other things, the possible need for the Firm to disclose confidential information or privileged information to the other client, the potential that either of the Parties may need to obtain new counsel if an unanticipated dispute with the other Party arises, and the possibility that the Firm could be compelled to disclose confidential information obtained from either Party in the event of such a dispute. In the latter respect, the law is not settled. There is, however, at least some risk that any information disclosed by either client to us in connection with this matter will not be protected by the attorney-client privilege in any subsequent dispute between them, should a dispute ever arise.

At this time, we do not perceive any differences or possible disputes between the County and the City which would prevent our joint representation. However, further factual and legal investigation may reveal real or apparent conflicts of interest which make joint representation impossible. If this occurs, we will notify you promptly and attempt to resolve the problem informally. If the problem cannot be resolved in this manner, we will withdraw from representing the County and the City and assist you in obtaining new counsel.

We will, however, continue to represent County and the City on unrelated matters. By consenting to the Firm's joint representation, the County and the City necessarily agree to waive any future conflict of interest which may arise out of the Firm's continued representation of the County or the City on existing or new matters.

Fees

In connection with the Representation, I would estimate the hourly rate for attorneys at \$350 per hour and legal assistants at \$200 per hour. With respect to work undertaken towards the collective effort of the County and the City, I would expect to bill our time evenly between the County and the City and with respect to work undertaken at the specific request of either the County or the City, I would expect to bill our time directly to the client requesting that work. We will be submitting monthly invoices to both the County and the City in connection with the Representation. Please note that invoices for our services are payable within thirty days of the date of our invoice.

Conclusion

If these matters are agreeable, please have a copy of this letter executed and return it to me. If you have any questions or concerns regarding this engagement agreement, please call me. We want you to be satisfied with the professional services that we perform on your behalf. Accordingly, we encourage you to contact us just as soon as you have any questions or concerns regarding our services or our fees.

Very truly yours,
Christopher J. Franzmann
Christopher J. Franzmann, Partner
CJF/s
Enclosure

cc: Aric I. Hochstetler, Assistant Prosecuting Attorney, Delaware County, Ohio
Daniel B. Bennington, City Attorney, City of Delaware, Ohio
Dean Stelzer, Director of Finance, City of Delaware, Ohio

Letter and Joint Representation Accepted

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

**Commissioners' Committees Reports
(Refer To Cd Minutes For Entire Record)**

**Commissioner Hanks
-None**

COMMISSIONERS JOURNAL NO. 54 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 7, 2010

Commissioner O'Brien

-Attend And Participated In The 911 Board Meeting; Patriot System And Possible Orange Township Backup

Commissioner Thompson

- Board Of Revision Meetings

County Administrator Martin

-Council For Older Adults Wine Tasting Event This Weekend

RESOLUTION NO. 10-1187

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. O'Brien Aye Mr. Thompson Aye

Todd Hanks

Ken O'Brien

Tommy Thompson

Jennifer Walraven, Clerk to the Commissioners