

**COMMISSIONERS JOURNAL NO. 58 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD FEBRUARY 4, 2013**

---

**THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY MET IN REGULAR SESSION ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT:**

**Present:**  
**Ken O'Brien, President**  
**Dennis Stapleton, Vice President**  
**Gary Merrell, Commissioner**

**RESOLUTION NO. 13-115**

**IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JANUARY 31, 2013:**

It was moved by Mr. Merrell, seconded by Mr. Stapleton to approve the following:

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on January 31, 2013; 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. Merrell Aye Mr. Stapleton Aye Mr. O'Brien Aye

**PUBLIC COMMENT**

**ELECTED OFFICIAL COMMENT**

**RESOLUTION NO. 13-116**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0201:**

It was moved by Mr. Merrell, seconded by Mr. Stapleton to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0201 and Purchase Orders as listed below:

Vote on Motion Mr. Stapleton Aye Mr. Merrell Aye Mr. O'Brien Aye

**RESOLUTION NO. 13-117**

**IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:**

It was moved by Mr. Stapleton, seconded by Mr. Merrell to approve the following:

The Child Support Enforcement Agency is requesting that Pat Church attend a Collections Training in Columbus, Ohio February 6, 2013; at the cost of \$7.00. (fund number 23711630)

Vote on Motion Mr. O'Brien Aye Mr. Merrell Aye Mr. Stapleton Aye

**RESOLUTION NO. 13-118**

**IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, THOMAS L. HART, WITH WILES, BOYLE, BURKHOLDER & BRINGARDNER, CO. LPA, REQUESTING ANNEXATION OF 2.745 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF POWELL:**

It was moved by Mr. Stapleton, seconded by Mr. Merrell to acknowledge that on January 30, 2013, the Clerk to the Board of Commissioners received an annexation petition request to annex 2.75 acres from Liberty Township to the City of Powell.

Vote on Motion Mr. Merrell Aye Mr. O'Brien Aye Mr. Stapleton Aye

**RESOLUTION NO. 13-119**

**IN THE MATTER OF RENEWING THE CONTRACT FOR OFFICE SUPPLIES FOR THE DELAWARE COUNTY:**

**COMMISSIONERS JOURNAL NO. 58 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD FEBRUARY 4, 2013**

---

It was moved by Mr. Stapleton, seconded by Mr. Merrell to approve the following:

WHEREAS, Delaware County awarded the bid and contracted with Office City Express effective on February 1, 2010 per resolution no. 10-130 for office supplies; and

WHEREAS, per the terms of the bid contract, it may be renewed if agreed upon by both parties for two (2) additional one (1) year periods; and

WHEREAS, Office City Express has requested in writing to renew the contract with no change to the terms and conditions;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, authorizes the renewal of the contract with Office City Express, office supplies for Delaware County for the second and final one (1) year period.

Vote on Motion            Mr. Stapleton    Aye    Mr. O'Brien    Aye    Mr. Merrell    Aye

**RESOLUTION NO. 13-120**

**IN THE MATTER OF TAKING FROM THE TABLE PROPOSED RESOLUTION NO. 13-103  
[ACCEPTING THE UPDATE OF THE COMMUNITY HOUSING IMPROVEMENT PROGRAM  
(CHIP) POLICY AND PROCEDURES MANUAL (PPM)]:**

It was moved by Mr. Merrell, seconded by Mr. Stapleton to take from the table proposed Resolution No. 13-103 [Accepting The Update Of The Community Housing Improvement Program (CHIP) Policy And Procedures Manual (PPM)].

Vote on Motion    Mr. O'Brien    Aye    Mr. Merrell    Aye    Mr. Stapleton    Aye

**RESOLUTION NO. 13-103**

**IN THE MATTER OF ACCEPTING THE UPDATE OF THE COMMUNITY HOUSING  
IMPROVEMENT PROGRAM (CHIP) POLICY AND PROCEDURES MANUAL (PPM):**

It was moved by Mr. Stapleton, seconded by Mr. Merrell to authorize the application:

WHEREAS, Delaware County Board of Commissioners Resolution 12-985 authorized an agreement with the Ohio Regional Development Corporation (ORDC) to update the Delaware County CHIP PPM; and

WHEREAS, ORDC completed the PPM update; and

WHEREAS, in summary, the report, per federal and State of Ohio Development Services Agency (DSA) guidelines, provides policies and procedures for administration of federally funded housing programs under the jurisdiction of the Board of Commissioners in the following areas:

- I.        Establishing Advisory Boards
- II.       Determining Income Eligibility
- III.      Contractor Selection and Construction
- IV.      Disbursement of Funds
- V.        Conflict Resolution
- VI.      Managing Program Income
- VII.     Land Acquisition and Relocation of Displaced Persons
- VIII.    Civil Rights
- IX.      Environmental Review

WHEREAS, the Economic Development Director reviewed the update and recommends acceptance. The PPM will be submitted to DSA for review and compliance. Once approved by DSA, Delaware County can begin administering the Delaware Community Housing Improvement Program housing repair program funded by the CDBG Formula Allocation 2012 grant and Revolving Loan Fund; and

WHEREAS, a copy of the Delaware County Policy and Procedures Manual is on file in the Economic Development Department.

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

Section 1. The Delaware County Board of Commissioners approve the update of the Delaware County Community Housing Improvement Program Policy and Procedures Manual.

**COMMISSIONERS JOURNAL NO. 58 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD FEBRUARY 4, 2013**

---

Section 2. That this Resolution shall take effect and be in force immediately.

Vote on Motion Mr. Stapleton Aye Mr. O'Brien Nay Mr. Merrell Aye

**RESOLUTION NO. 13-121**

**IN THE MATTER OF APPROVING PERSONNEL ACTIONS:**

It was moved by Mr. Stapleton, seconded by Mr. Merrell to approve the following:

The Assistant County Administrator/ Director of Administrative Services recommends hiring Mindy Owens as the HR Coordinator; effective February 11, 2013;

Therefore Be It Resolved, that the Board of Commissioners approve hiring Mindy Owens as the HR Coordinator; effective February 11, 2013.

The Director Emergency Medical Services recommends to accept the resignation of part-time Paramedic Lindsey Matheny; effective September 1, 2012;

Therefore Be It Resolved, that the Board of Commissioners accept the resignation of part-time Paramedic Lindsey Matheny; effective September 1, 2012.

Vote on Motion Mr. Merrell Aye Mr. Stapleton Aye Mr. O'Brien Aye

**RESOLUTION NO. 13-122**

**IN THE MATTER OF DELEGATING AUTHORITY TO THE COUNTY ADMINISTRATOR AND OTHER STAFF FOR CERTAIN ADMINISTRATIVE MATTERS:**

It was moved by Mr. Stapleton, seconded by Mr. Merrell to approve the following:

WHEREAS, pursuant to section 305.30 of the Revised Code, the Delaware County Board of Commissioners (the "Board") may delegate specific authority to the County Administrator for contracting on behalf of the Board, allowing and paying claims, performing personnel functions, performing Board functions in the event of a disaster or emergency, and performing additional duties as the Board may determine by resolution; and

WHEREAS, the County Administrator may be absent or unavailable, requiring the appointment of an acting county administrator to perform the duties delegated pursuant to section 305.30 of the Revised Code; and

WHEREAS, pursuant to section 4115.071 of the Revised Code, the Board shall designate and appoint an employee to serve as prevailing wage coordinator for all contracts subject to prevailing wage requirements;

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

Section 1. The Board hereby delegates the following authority and duties to the County Administrator, pursuant to section 305.30 of the Revised Code:

- a. Upon prior notice to each Commissioner, negotiate, approve, and execute contracts, agreements, or change orders that are for amounts not exceeding Fifteen Thousand Dollars (\$15,000) and that are for a period of one year or less;
- b. Negotiate and execute settlement agreements for pending or threatened litigation, provided discussion thereon is conducted in a lawful executive session with all members of the Board present;
- c. Review and approve departmental payrolls for all departments under the direction and control of the Board;
- d. Review and approve requests for unpaid leaves of absence for up to two weeks;
- e. Approve requests for leave for the County Administrator, provided notification is given to each Commissioner and the requested leave is within the County Administrator's available leave balances;
- f. Review and approve employee action forms ("EAF") for any and all personnel matters, except the County Administrator shall not approve any EAF that involves a favorable employment action, such as a promotion or pay increase, unless the favorable employment action has been approved by prior Board action;
- g. Review, in conjunction with the Assistant County Administrator/Director Of Administrative Services, all requests for leave under the Family and Medical Leave Act ("FMLA"), and approve those requests

**COMMISSIONERS JOURNAL NO. 58 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD FEBRUARY 4, 2013**

---

that meet FMLA requirements and all requests for leave under Worker Compensation and approve those requests that meet Worker Compensation requirements;

- h. Serve as the Contract Administrator, having general supervision over the contract and any work performed thereunder, for any contracts or agreements the Board has entered into and not specifically designated a Contract Administrator;
- i. Request written opinions or instructions from the Prosecuting Attorney on behalf of the Board and coordinate the services provided by all outside counsel retained by the Board pursuant to sections 305.14 and 309.09 of the Revised Code;
- j. Upon prior notice to each Commissioner, execute last chance agreements for employees in departments under the direction and control of the Board;
- k. Review and approve requests for tuberculosis treatment financial assistance submitted pursuant to section 339.71, *et seq.*, of the Revised Code, provided the requested amount does not exceed the contracting authority limit established in this Resolution; and
- l. Accept gifts, devises, bequests, or other donations on behalf of the county, pursuant to section 9.20 of the Revised Code, provided that the value thereof is less than \$500.00, that notice of each acceptance is provided to each member of the Board, and that a detailed report of all gifts, devises, bequests, or other donations accepted is provided to the Board within fifteen (15) days after the end of the fiscal year in which the acceptance occurred.

Section 2. The Board hereby declares that Resolution No. 10-211, delegating to the County Administrator the authority to carry out certain functions of the Board during a disaster or emergency, shall remain in full force and effect.

Section 3. In the event the County Administrator is or will be absent due to illness, vacation, or other approved leave, the County Administrator shall, to the extent practicable, inform all members of the Board and the Clerk to the Board in writing of the absence and its expected duration. In the event the County Administrator is unavailable or expected to be absent for less than or equal to two weeks, the Board hereby designates the Assistant County Administrator/Director of Administrative Services as the Acting County Administrator with authority to perform all functions delegated in Subsections c, d, f, g, h, j, k, and l of Section 1.

For absences of both the County Administrator and the Assistant County Administrator/Director of Administrative Services the Board hereby designates the Fiscal Services Director as the Acting County Administrator with authority to perform all functions delegated in Subsections c, k, and l of Section 1.

All other functions delegated in Section 1 shall revert to the Board during the County Administrator's absence. For absences expected to be longer than two weeks, all functions delegated in Section 1 shall revert to the Board during the County Administrator's absence unless the Board specifically delegates any or all of those functions by separate action of the Board.

Section 4. The Board hereby designates and appoints the following employees to serve as prevailing wage coordinator for the specified contracts that are subject to prevailing wage requirements:

- a. The Delaware County Engineer, for all Motor & Gas and Road & Bridge projects;
- b. The Director of Environmental Services, for all Environmental Services Fund projects;
- c. The Director of Economic Development, for all Economic Development Fund and Grant projects;
- d. The Manager of Facilities, for all other projects.

Section 5. This Resolution supersedes Resolution No. 12-103 and shall take effect immediately upon adoption.

Vote on Motion Mr. Stapleton Aye Mr. Merrell Aye Mr. O'Brien Aye

**COMMISSIONERS' COMMITTEES REPORTS  
COUNTY ADMINISTRATOR REPORTS**

**Commissioner Merrell  
-No Reports Today**

**Commissioner Stapleton  
-Three Meetings This Week; Will Report On Next Week**

**Commissioner O'Brien  
-Attended And Participated In The Regional Planning Commission Meeting; By-Laws Changed To**

COMMISSIONERS JOURNAL NO. 58 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD FEBRUARY 4, 2013

---

**Define Only A Majority Of Paying Members To Make A Quorum**

**RESOLUTION NO. 13-123**

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

It was moved by Mr. Merrell, seconded by Mr. Stapleton to adjourn into Executive Session at 9:55AM.

Vote on Motion Mr. O'Brien Aye Mr. Merrell Aye Mr. Stapleton Aye

**RESOLUTION NO. 13-124**

**IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:**

It was moved by Mr. Merrell, seconded by Mr. Stapleton to adjourn out of Executive Session at 10:10AM.

Vote on Motion Mr. Merrell Aye Mr. O'Brien Aye Mr. Stapleton Aye

There being no further business, the meeting adjourned.

\_\_\_\_\_  
Gary Merrell

\_\_\_\_\_  
Ken O'Brien

\_\_\_\_\_  
Dennis Stapleton

\_\_\_\_\_  
Jennifer Walraven, Clerk to the Commissioners