

COMMISSIONERS JOURNAL NO. 59 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD APRIL 8, 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. 13-355

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD APRIL 4, 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 April 4, 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. 13-356

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0405, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0405:

It was moved by Mr. Stapleton, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0405, memo transfers in batch numbers MTAPR0405 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
<b>PO' Increase</b>			
Ports Petroleum	Fuel	10011106-5228	\$ 30,000.00
<b>PR</b>			
<b>Number</b>	<b>Vendor Name</b>	<b>Line Description</b>	<b>Line Account      Line Amount</b>
<b>ECONOMIC DEVELOPMENT – SERVICES AND CHARGES</b>			
R1303411	ENVIROHAB LLC	ASBESTOS STUDY	22911716-5301      25,000.00
R1303434	OHIO REGIONAL DEVELOPMENT CORP	CDBG ADMIN	23011708-5301      32,776.50
R1303431	OHIO REGIONAL DEVELOPMENT CORP	HOME REPAIR ADMIN FY12 CDBG FROM RLF	23111709-5301      20,000.00

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

RESOLUTION NO. 13-357

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Administrative Services Department is requesting that Darlene Tommelleo, Alison Miller and Megan Henry attend an Administrative Professionals Day Luncheon in Delaware, Ohio April 24, 2013, at the cost of \$45.00 (fund number 10011103).

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

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**RESOLUTION NO. 13-358**

**IN THE MATTER OF ACCEPTING THE TREASURER’S REPORT FOR THE MONTH OF MARCH 2013:**

It was moved by Mr. Stapleton, seconded by Mr. Merrell to accept the Treasurer’s Report for the month of March 2013.

(Copy available for review at the Commissioners’ Office until no longer of administrative value.)

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

**RESOLUTION NO. 13-359**

**IN THE MATTER OF APPROVING AMENDMENT NO. 1 TO THE INDEFEASIBLE RIGHT OF USE AGREEMENT BY AND BETWEEN CONSOLIDATED ELECTRIC COOPERATIVE, INC. AND DELAWARE COUNTY:**

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

Whereas, the County Auditor recommends approval of Amendment No. 1 To The Indefeasible Right Of Use Agreement by and between Consolidated Electric Cooperative, Inc. and Delaware County;

Now Therefore Be It Resolved, that the Delaware County Board of Commissioners approve Amendment No. 1 To The Indefeasible Right Of Use Agreement by and between Consolidated Electric Cooperative, Inc. and Delaware County.

**AMENDMENT NO. 1 TO THE  
INDEFEASIBLE RIGHT OF USE AGREEMENT**

**THIS AMENDMENT NO. 1** to the **INDEFEASIBLE RIGHT OF USE AGREEMENT** (“**Agreement**”) entered into on the **3<sup>rd</sup> day of March, 2011**, is made this 8th day of April, 2013, by and between **Consolidated Electric Cooperative, Inc. (“CEC”)**, an **Ohio** corporation having a principal place of business located at **5255 State Route 95, Mount Gilead, Ohio 43338**; and **Delaware County**, a political subdivision of the State of Ohio, having its principal place of business located at **101 North Sandusky Street, Delaware, Ohio 43015** (“**County**”) (hereinafter referred to collectively as the “**Parties**”).

Pursuant to Section 22(e) of the Agreement, the Parties hereby mutually agree to amend the Agreement by inserting “Attachment A-8” as follows:

**ATTACHMENT A-8**

1. **Leased Asset.**
  - a. Exclusive use of a server cabinet within Consolidated’s private shared cage space at DataCenter.Bz, physically located at 555 Scherers Ct., Columbus, Ohio 43085. Cabinet includes one (1) 30-amp 125 Volt power circuit with remote-bootable power supply. Power is billed as a pass-through from DataCenter.Bz and any increases or decreases in cost will be passed through.
  
2. **Term.**
  - a. The term of this agreement is for 60 months from the date this Attachment A-8 is executed. Lessee is agreeing to Sub-Lessee certain assets from Consolidated Electric Cooperative’s leased Cage located in DataCenter.Bz and in doing so agrees to abide by all requirements to the leasing of this space (where applicable). Consolidated Electric Cooperative may be leasing to other entities in this same space and restrictions put in place by DataCenter.Bz and Consolidated Electric Cooperative pertaining and Lessee agrees to fully cooperate with and be considerate of any other parties working in and around this space, so as not disturb or disrupt or attempt to move or make changes to another party’s property, doing so would be a Breach of this agreement and Lessee would be required to remove all equipment and be responsible for the remainder of the Monthly Recurring charges stated above, along with any damages material or otherwise caused to the other party. At the term of this agreement Lessee may continue on a month to month basis, early termination of this agreement requires Lessee paying in the remaining Monthly Recurring Charges stated above along with 30 days’ notice. Should Consolidate Electric choose not to renew the Master Lease with DataCenter.Bz Lessee will be given 90 days’ notice.

**Monthly Recurring Charges:**

Product	Units	Unit Price	Monthly Total
Cage	1	\$ 150.00	\$ 150.00
Cabinet	1	\$ 250.00	\$ 250.00

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Power	1	\$ 475.00	\$ 475.00
		Total MRC	\$ 875.00

**Installation and One time Charges:**

		<b>Non-Recurring Total</b>	
Prorated Portion of Installation fees		\$	1,500.00
Prorated Portion of Bulk Fiber Cross Connect (est.)		\$	2,500.00
Keys and badges		\$	100.00
	Total NRC	\$	4,100.00

By:	Consolidated Electric Cooperative, Inc.	By:	Delaware County
Name:	_____	Name:	_____
Title:	_____	Title:	_____
Date:	_____	Date:	_____

The Parties mutually agree that all other terms and conditions of the Agreement shall remain in full force and effect. IN WITNESS WHEREOF, and intending to be legally bound, the Parties have executed this Amendment No. 1

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

**RESOLUTION NO. 13-360**

**IN THE MATTER OF AWARDING THE BIDS FOR ASPHALT MATERIALS TO BE USED BY THE COUNTY ENGINEER DURING 2013:**

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

**Bid Award Recommendations; Bids Opened March 26, 2013**

As the result of the referenced bid opening, the Engineer recommends that the following bid awards be made:

**MC 30 as per ODOT Spec 702.02, FOB Plant:**

The Engineer recommends that a non-exclusive bid award be made Asphalt Technologies, Ltd.

**MC 30 as per ODOT Spec 702.02, FOB Jobsite:**

The Engineer recommends that a non-exclusive bid award be made Asphalt Technologies, Ltd.

**RS-2 as per ODOT Spec 702.02, FOB Plant:**

The Engineer recommends that a non-exclusive bid award be made to Asphalt Technologies, Ltd.

**RS-2 as per ODOT Spec 702.02, FOB Jobsite:**

The Engineer recommends that a non-exclusive bid award be made to Asphalt Technologies, Ltd.

**RS-2P, Per ODOT Spec 702.04, FOB Plant:**

The Engineer recommends that a non-exclusive bid award be made to Asphalt Technologies, Ltd.

**RS-2P, Per ODOT Spec 702.04, FOB Jobsite:**

The Engineer recommends that a non-exclusive bid award be made to Asphalt Technologies, Ltd.

**CRS-2 Per ODOT Spec 702.04, FOB Plant:**

The Engineer recommends that a non-exclusive bid award be made to Asphalt Technologies, Ltd.

**CRS-2 Per ODOT Spec 702.04, FOB Jobsite:**

The Engineer recommends that a non-exclusive bid award be made to Asphalt Technologies, Ltd.

**CRS-2P Per ODOT Spec 702.04, FOB Plant:**

The Engineer recommends that a non-exclusive bid award be made to Asphalt Technologies, Ltd.

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**CRS-2P Per ODOT Spec 702.04, FOB Jobsite:**

The Engineer recommends that a non-exclusive bid award be made to Asphalt Technologies, Ltd.

**SS-1 as per ODOT Spec 702.04, FOB Plant:**

The Engineer recommends that a non-exclusive bid award be made Asphalt Technologies, Ltd.

**SS-1 Per ODOT Spec 702.04, FOB Jobsite:**

The Engineer recommends that a non-exclusive bid award be made to Asphalt Technologies, Ltd.

**SS-1H Per ODOT Spec 702.04, FOB Plant:**

The Engineer recommends that a non-exclusive bid award be made to Asphalt Technologies, Ltd.

**SS-1H as per ODOT Spec 702.04, FOB Jobsite:**

The Engineer recommends that a non-exclusive bid award be made to Asphalt Technologies, Ltd.

**Number 301 Asphalt Concrete Base Per ODOT Spec 302.02, FOB Plant:\***

The Engineer recommends that a non-exclusive bid award be made to Scioto Materials, LLC; Mar-Zane Materials and Shelly Materials, Inc.

**Number 302 Asphalt Concrete Base Per ODOT Spec 302.02, FOB Plant: \***

The Engineer recommends that a non-exclusive bid award be made to Scioto Materials, Mar-Zane Materials; and Shelly Materials, Inc.

**Type 1 Surface (Item 441), FOB Plant:\***

The Engineer recommends that a non-exclusive bid award be made to Scioto Materials, LLC; Mar-Zane Materials; and Shelly Materials, Inc.

**Type 1 Intermediate (Item 441) FOB Plant: \***

The Engineer recommends that a non-exclusive bid award be made to Scioto Materials, Mar-Zane Materials; and Shelly Materials, Inc.

**Type 2 Intermediate (Item 441), FOB Plant:\***

The Engineer recommends that a non-exclusive bid award be made to Scioto Materials, Mar-Zane Materials; and Shelly Materials, Inc.

\* No bids submitted for materials FOB Jobsite

Bid tabulations for these materials are available for your information along with the Certification/Affidavit in Compliance with ORC Section 5517.13 for each bidder.

Therefore, be it resolved that the Board of Delaware County Commissioners approve bid awards for the various materials to be used during 2013.

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

**RESOLUTION NO. 13-361**

**IN THE MATTER OF AWARDING THE BID FOR THE 2013 CURB RECONSTRUCTION AND INSTALLATION ANNUAL CONTRACT FOR THE ENGINEER:**

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

**Bid Award Recommendations; Bids Opened March 26, 2013**

As the result of the referenced bid opening, the Engineer recommends that a non-exclusive bid award be made to the following companies: Cyrus Concrete Construction of Delaware, Ohio; Shelly & Sands, Inc. of Columbus, Ohio; DLC Equipment Company of Orient, Ohio; Columbus Asphalt Paving of Gahanna, Ohio; and Neff Paving & Concrete of Delaware, Ohio. The use of the aforementioned companies will be determined on a job-by-job basis wherein all requirements of the job will be totaled using the unit bid prices, and the company with the lowest

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overall total for that particular job will be contacted.

A bid tabulation for these materials are available for your information along with the Certification/Affidavit in Compliance with ORC Section 5517.13 for each bidder.

Therefore, be it resolved that the Board of Delaware County Commissioners approve the bid award for the 2013 Curb Reconstruction and Installation Annual Contract.

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

**RESOLUTION NO. 13-362 WAS NOT UTILIZED**

**RESOLUTION NO. 13-363**

**IN THE MATTER OF DECLARING THE NECESSITY OF IMPROVEMENTS FOR THE PROJECT KNOWN AS 2013 DEL-COUNTY ROAD IMPROVEMENT PROGRAM, RESURFACING OF VARIOUS COUNTY AND TOWNSHIP ROADS, APPROVING PLANS, SPECIFICATIONS, ESTIMATES AND SETTING THE BID DATES:**

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

Whereas, Section 5555.022 of the Revised Code provides that a Board of County Commissioners may find by a majority vote that the public convenience and welfare require the improving of any part of any public road, may fix the route and termini of the Improvement and may authorize such Improvement, and;

Whereas the County Engineer has determined that various roads within the County require resurfacing and pavement reconstruction and recommends that the Board proceed with Improvements thereof, and;

Whereas the County Engineer has prepared plans, specifications and estimates for the Improvement, and;

Whereas the County Engineer has estimated the construction cost of the Improvement to be **\$2,889,000**.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners that:

Section 1: The public convenience and welfare require resurfacing and pavement reconstruction or various roads within Delaware County, and that the Improvement known as 2013 DEL-County Road Improvement Program, Resurfacing Various County and Township Roads be initiated for such purpose, and;

Section 2: The costs for said Improvement will be paid for from any funds appropriated for road and bridge construction and that no special levies or assessments shall be made to pay for the Improvement, and;

Section 3: The plans, specifications and estimates for the project known as 2013 DEL-County Road Improvement Program, Resurfacing of Various County and Township Roads are hereby approved, and;

Section 4: The County Engineer is authorized to advertise for and received bids on behalf of the Board in accordance with the following Invitation to Bid:

**Public Notice  
Advertisement for Bids**

Sealed bids will be received at the Office of the Delaware County Engineer, 50 Channing Street, Delaware, Ohio 43015, until 10:00 am on Tuesday, April 30, 2013, at which time they will be publicly opened and read aloud, for the project known as:

**2013 DEL-COUNTY ROAD IMPROVEMENT PROGRAM  
Resurfacing of Various County and Township Roads**

The proposals must be made on the forms provided in the Contract Documents or a copy thereof and shall contain the full name and address of the bidder. All bids shall be sealed and plainly marked "SEALED BID FOR 2013 DEL-COUNTY ROAD IMPROVEMENT PROGRAM". Bid shall be accompanied by a Bid Security in the form of a bid bond in the amount of one hundred percent (100%) of the bid or a certified check in the amount of ten percent (10%) of the bid. In addition to the Bid Security, a one (1) year Maintenance/Performance Bond is required for this project in the amount of one hundred percent (100%) of the total project cost, and may be submitted with the Bid Proposal.

This Public Notice is also posted on the Delaware County website at [www.co.delaware.oh.us](http://www.co.delaware.oh.us), under "Current Bids."

The Owner of the project is the Delaware County Board of Commissioners. Copies of the plans and specifications must be obtained from the Delaware County Engineer, 50 Channing Street, Delaware, OH 43015. Cost for printed copies of each set of plans and specifications is \$20, and the cost is non-refundable. Plans and

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specifications may also be downloaded, free of charge, from the Delaware County Engineer's website at [www.co.delaware.oh.us/ebids](http://www.co.delaware.oh.us/ebids). All bidders must register as a plan holder with the Delaware County Engineer through the County Engineer's ebids website or in person at the time of purchasing plans and specifications.

The Owner requires that all work associated with the project be completed before September 6, 2013. The estimated commencement of work date is May 6, 2013.

This is a prevailing wage contract in accordance with Ohio Revised Code Chapter 4111 and the requirements of the Ohio Department of Commerce, Division of Labor and Worker Safety, Wage and Hour Bureau. Bidders shall comply with all applicable provisions.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of the Township. The Board reserves the right to reject any or all bids.

Delaware Gazette Advertisement Dates: April 12, 2013

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

**RESOLUTION NO. 13-364**

**IN THE MATTER OF APPROVING A COOPERATION AGREEMENT BETWEEN DELAWARE COUNTY AND FRANKLIN COUNTY FOR THE PURPOSE OF COOPERATING TO UNDERTAKE A PROJECT TO RESURFACE SMOTHERS ROAD (ALSO KNOWN AS DELAWARE-FRANKLIN COUNTY LINE ROAD) IN CONJUNCTION WITH THE 2013 DEL-COUNTY ROAD IMPROVEMENT PROGRAM**

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

Whereas, the County Engineer recommends approval of a Cooperative Agreement between Delaware County and Franklin County for the purpose of cooperating to undertake a Project to resurface Smothers Road as follows:

**COOPERATIVE AGREEMENT  
BETWEEN  
DELAWARE COUNTY  
AND  
FRANKLIN COUNTY**

This Agreement made by and between the Boards of Commissioners of Delaware and Franklin Counties, and the respective County Engineers, hereinafter known, collectively, as the Parties to the Agreement.

This Agreement shall be for the purpose of cooperating to undertake a Project to **resurface Smothers Road** (also known as Delaware-Franklin County Line Road) from Manitou Road to the west construction limit of a separate improvement undertaken jointly by the Parties to construct a modern roundabout at the intersection of Harlem and Smothers Road, such point located approximately 300 feet west of Harlem Road. Parties acknowledge that the portion of Smothers Road contemplated by this agreement is not subject to any other prior agreement(s) between said Parties for maintenance of Smothers Road.

In consideration of the mutual benefit to both Parties, each County hereby agrees to pay for **50% of the total cost of the Project** as determined to be necessary for completion of the project by both County Engineers and mutually agree to the following terms and conditions to further the completion of the Project:

**Delaware County will:**

1. Declare necessity for the project; and,
2. Prepare bid documents, advertise and receive bids, award a construction contract, provide construction engineering, inspection and testing services for the Project; and,
3. Maintain a proper accounting of all Project costs; and,
4. Coordinate with Franklin County, by and through the County Engineer, for acceptance of the Project; and,
5. Upon mutual acceptance of the Project, pay for all Project costs up-front and prepare and submit an invoice to Franklin County for 50% of Project costs with appropriate documentation of costs incurred by Delaware County.

**Franklin County will:**

1. Declare necessity for the project; and,
2. Coordinate with Delaware County by and through the County Engineer, for acceptance of the Project; and,
3. Reimburse Delaware County for 50% of Project costs upon receipt of invoice from Delaware County.

Now Therefore Be It Resolved, that the Delaware County Board of Commissioners approves the Cooperation Agreement between Delaware County and Franklin County for the resurfacing of Smothers Road

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

**RESOLUTION NO. 13-365**

**IN THE MATTER OF AWARDING THE BID FOR TRANSPORTATION (TAXI) SERVICES FOR THE DEPARTMENT OF JOB AND FAMILY SERVICES AND APPROVING THE CONTRACT WITH ACME ENTERPRISES, INC.:**

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

Whereas, The Director of the Department of Job and Family Services recommends that a bid award be made to Acme Enterprises, Inc. of Blacklick, Ohio, one of two bids for the Transportation (Taxi) Services Contract;

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the following contract with Acme Enterprises, Inc.:

**CONTRACT FOR TRANSPORTATION (TAXI) SERVICES**

This Contract (hereinafter "Contract") is executed this 8<sup>th</sup> day of April, 2013, by and between the Delaware County Board of County Commissioners (hereinafter "Board") located at 101 North Sandusky Street, Delaware County, Ohio 43015, Delaware County Department of Job and Family Services (hereinafter "DCJFS") located at 140 North Sandusky Street, Delaware, Ohio 43015, and ACME Enterprises, Inc. (hereinafter referred to as the "Contractor"), whose principal place of business is located at 1399 Windrush Circle, Blacklick, Ohio 43004 (hereinafter singly "Party" and collectively "Parties.")

**WHEREAS**, the Contractor provides transportation (taxi) services for customers in Delaware County, Ohio and/or adjoining Ohio counties.

**WHEREAS**, DCJFS has accepted local, state, and federal funds for state fiscal year 2013 ("SFY 2013") for transportation (taxi) services in support of their respective organizational missions, duties, and services and need to provide such services or contract out for services; and,

**WHEREAS**, the Contractor is willing to provide such services or contract out for services; and,

**WHEREAS**, the Contractor is willing to provide those services at an agreed-upon price.

**NOW THEREFORE**, for good and valuable consideration and the mutual covenants and promises contained herein, the Parties agree as set forth below:

**PURPOSE OF CONTRACT:**

The purpose of this Contract is to state the covenants and conditions under which the Contractor shall provide transportation (taxi) services for DCJFS in accordance with all the terms, conditions, and provisions of the following (hereinafter collectively "Contract Documents"):

1. Legal Notice,
2. Request for Proposals (RFP) /Request for Bids Package by the Delaware County Department of Job and Family Services for Transportation (Taxi) Services (hereinafter "Bid Package"),
3. All documents and forms completed by the Contractor in accordance with the Bid Package and/or in submitting a proposal/bid,
4. Contractor's proposal,
5. Contractor's proposal/bid.

**TERM:**

The initial term of this Contract shall be 18 months, inclusive of April 8, 2013 through September 30, 2014. Upon written agreement of the Parties, the Contract may be renewed for an additional eighteen (18) month period subject to the same terms and conditions provided herein and upon any such terms and conditions as may be specifically agreed upon, added and/or amended in writing by the Parties

**SCOPE OF SERVICES:**

The Contractor shall provide transportation (taxi) services at fixed rates in accordance with the Contract Documents for the term of the Contract (hereinafter "Taxi Services.")

**COMPENSATION:**

For and in consideration of the Contractor providing Taxi Services as provided above, the DCJFS agree to compensate the Contractor rates as summarized in the Bid Form (Appendix A of the Bid Package.)

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The rates summarized in the Bid Form (Appendix A of the Bid Package) and in the table below shall be paid by the DCJFS to the Contractor pursuant to this Contract and are the only rates that will be charged to the DCJFS for all Taxi Services performed by the Contractor pursuant to this Contract for the term of the Contract.

	<b>In City (Origin and Destination both in City Of Delaware)</b>	<b>Delaware County (Origin and/or Destination are outside of Delaware City but within Delaware County)</b>	<b>State of Ohio (Origin and/or Destination are outside of Delaware County)</b>	<b>Other geographic region (Ex: Dublin, Westerville, Marion Co, etc.)</b>
<b>1 passenger</b>	\$10.00 per trip	Trip Distance Up to 5 miles \$10 per trip  Trip distance > 5 miles \$ 10 minimum + \$2 per mile for each mile over 5 miles	Trip Distance Up to 5 miles \$10 per trip  Trip distance > 5 miles \$ 10 minimum + \$2 per mile for each mile over 5 miles	Trip Distance Up to 5 miles \$10 per trip  Trip distance > 5 miles \$ 10 minimum + \$2 per mile for each mile over 5 miles
<b>2 or more passengers</b>	\$ 10.00 per trip	Trip Distance Up to 5 miles \$10 per trip  Trip distance > 5 miles \$ 10 minimum + \$2 per mile for each mile over 5 miles	Trip Distance Up to 5 miles \$10 per trip  Trip distance > 5 miles \$ 10 minimum + \$2 per mile for each mile over 5 miles	Trip Distance Up to 5 miles \$10 per trip  Trip distance > 5 miles \$ 10 minimum + \$2 per mile for each mile over 5 miles

**DAMAGES IN THE EVENT OF BREACH:**

In the event that the Contractor fails to fully meet and perform the obligations imposed and required as part of this Contract, the Contractor shall pay damages to the DCJFS as compensation for such failure. Such damages shall be as provided in the Bid Package.

**INSURANCE AND INDEMNIFICATION:**

The Contractor hereby agrees to indemnify and hold free and harmless the DCJFS, the Board of Delaware County Commissioners, Delaware County, Ohio, and all of their respective boards, officers, officials, employees, volunteers, agents, servants and representatives as provided in the Bid Package. The Contractor also agrees to carry such insurance as required by the Bid Package.

**INCORPORATION OF THE CONTRACT DOCUMENTS AND RESOLUTION:**

The Bid Package Contract Documents and Resolution in their entirety and all terms, provisions, and conditions contained therein are by this reference hereby expressly understood and accepted by the Parties and are in their entirety incorporated into and made a part of this Contract.

**IN WITNESS WHEREOF**, the Parties, by and through their respective and proper officers, have on behalf of themselves or those whom they represent, signed this Contract of their own free and voluntary will and agree to the Parties being bound thereby.

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

**RESOLUTION NO. 13-366**

**IN THE MATTER OF AUTHORIZING THE USE OF A PROCUREMENT CARD FOR JOB AND FAMILY SERVICES:**

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

WHEREAS, pursuant to Ohio Revised Code Section 301.29, the Board of Commissioners of Delaware County by Resolution No. 04-1193 dated September 30<sup>th</sup>, 2004, adopted a policy for the use of County Procurement Cards. In addition, The Board of Commissioners of Delaware County by Resolution No. 11-1040 dated October 3<sup>rd</sup>, 2011, adopted amendments to the Policies and Procedures for the county procurement card program; and

WHEREAS, the appointing authority for the procurement card being the Board of Commissioners has adopted the procurement card policy for the use of the card to pay for specific classes of work related expenses, without submitting a monthly estimate of the expenses, pursuant ORC 301.29 (F)(2).



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NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of Delaware County, State of Ohio, authorize the use of the following procurement cards to the limits indicated and for specific work related expenses designated in the Procurement Card Policy without submitting a monthly estimate of expenses:

Appointing Authority: Board of Commissioner  
Office/Department: Job and Family Services

Daily spending per card: \$1,000  
Monthly spending per card: \$5,000  
Single transaction limit: \$1,000  
Daily number of transactions per card: 5  
Monthly number of transactions per card: 50

Name on Card 1: Jason Lambert

Department Coordinator: Jackie Walters

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

**RESOLUTION NO. 13-367**

**IN THE MATTER OF APPROVING A VERIZON WIRELESS CUSTOMER AGREEMENT FOR ADULT COURT SERVICES:**

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

Whereas, Adult Court Services recommends approval of the Verizon Wireless Customer Agreement for Adult Court Services;

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the Verizon Wireless Customer Agreement for Adult Court Services.

**Verizon Wireless Customer Agreement**

Order Status: C Appl. ID) No.: 214236617 Order Date: Thu Mar 07 10:43:19 EST 2013  
Bill Acct, No.: 0442008317

Please print 3 copies of this form using your browser print button 1-Customer 2-Store 3-Verizon

Agent Name: SMART-DELAWARE  
Agent Address: Verizon Wireless, 445. Sandusky Street, Delaware, OHIO 43015-0000  
Billing Outlet ID: 000081709  
POS Location Code: M6679-01  
Activation type:  
**Business X**      *New*      *Upgrade*      *Annual Upgrade*      *Calling Plan Change Add-on*      *Prepay*      *Feature Change*

CUSTOMER INFORMATION	PRIMARY USER INFORMATION
ADULT COURT SERVICES	BAGLIONE, KAY
P0 BOX 8006	22 COURT ST
DELAWARE OH 43015-1701	DELAWARE - OH 43015-1701
USA	USA
Work/Alternate Phone:	No. of Lines Approved: 2
Federal Tax ID: XXX-XX-XXXX	Deposit Req. Per Line: \$0.00

**Account Information**

Line 1 Account No.: X  
Wireless No.: 740-833-5752  
Device Id: X  
Make: SAM      MODEL: SCH-U640  
IP Address: X  
Effective Date: 03/07/2013  
Bill Cycle: 07  
Plans: SHARE EVERYTHING UNL TALK & TEXT 300MB \$40  
Monthly Line Access: 77572- BASIC PHONE LINE ACCESS \$30  
Monthly Line Access: - \$30.00  
Activation Fee: \$35.00  
Long Distance Carrier: VERIZON WIRELESS  
Calling Plan Contract Term: 24 MONTHS Contract End Date: 03/07/2015  
EARLY TERMINATION FEE: UP TO \$175

**Features and Services**

Included Features: 68869- CALLER ID)  
68870- BUSY TRANSFER  
68871 - 3-WAY CALLING  
68872 - CALL DELIVERY  
68873 - CALL WAITING  
68874- NO ANSWER TRANSFER  
68876- CALL FORWARDING

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Additional Services: 68877 - BASIC VOICE MAIL - \$0  
48526 -TXT MSG W PER MSG CHARGES  
77249- MOBILE HOT SPOT TRIGGER \$0  
77524- RTR/UC TRIGGER ALP \$0  
77581 - EMAIL TRIGGER ALP \$0  
77583 - DATA PROVISION ALP  
48553 - STREAMLINED BILLING - \$0  
73324- OTA SOFTWAREUPDATE-\$0.00  
73597 - GENERAL IF ADDRESS - MB PLANS

73598 -MOBILE WEB FOR MB PLANS  
76152- PICTURE MESSAGE PROVISIONING  
76405 - 3G MOBILE HOTSPOT  
76413 - MOBILE EMAIL  
77256- RTR FOR ALP  
77540 - 30 PROVISIONING \$0  
78196- DATA ROAM USA/CANADA

Insurance: 66332 - DECLINE EQUIPMENT PROTECTION  
Items Received: Plan/Feature Brochure

Line 2 Account No.: X  
Wireless No.: 740-833-5765  
Device Id: X  
Make: SAM MODEL: SCH-U640  
IP Address: X  
Effective Date: 03/07/2013  
Bill Cycle: 07  
Plans: SHARE EVERYTHING UNL TALK & TEXT 300MB \$40  
Monthly Line Access: 77572- BASIC PHONE LINE ACCESS \$30  
Monthly Line Access: - \$30.00  
Activation Fee: \$35.00  
Long Distance Carrier: VERIZON WIRELESS  
Calling Plan Contract Term: 24 MONTHS Contract End Date: 03/07/2015  
EARLY TERMINATION FEE: UP TO \$175

**Features and Services**

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Insurance: 66332 - DECLINE EQUIPMENT PROTECTION  
Items Received: Plan/Feature Brochure

A Verizon Wireless SIM may only be used with devices certified for use on Verizon Wireless's network. You can check if your device is certified at [www.verizonwireless.com/certifieddevice](http://www.verizonwireless.com/certifieddevice)

Features and services may not be compatible with all devices.

To receive a credit for the Consumer activation fee, service cancellations must occur within 3 days of purchase. The iPhone is configured to work only with the wireless services of Verizon Wireless, and may not work on another carrier's network, even after completion of your contract term.

Taxes & surcharges apply may vary. Federal Universal Service Charge of 16.10% of interstate & int'l telecom charges (varies quarterly based on FCC rate), a \$.90 Regulatory & a \$.16 Administrative Charge per line/month are our charges, not taxes.

The NEW My Verizon All The Tools. All The Features. More Convenience. Visit [verizonwireless.com](http://verizonwireless.com) for more.

AGREE TO THE CURRENT VERIZON WIRELESS CUSTOMER AGREEMENT, INCLUDING THE CALLING PLAN, (WITH EXTENDED LIMITED WARRANTY/SERVICE CONTRACT, IF APPLICABLE), AND OTHER TERMS AND CONDITIONS FOR SERVICES AND SELECTED FEATURES I HAVE AGREED TO PURCHASE AS REFLECTED ON THE RECEIPT, AND WHICH HAVE HAD THE OPPORTUNITY TO REVIEW. I UNDERSTAND THAT I AM AGREEING TO AN EARLY TERMINATION FEE AS REFLECTED ON THIS RECEIPT, LIMITATIONS OF LIABILITY FOR SERVICE AND EQUIPMENT, SETTLEMENT OF DISPUTES BY ARBITRATION AND OTHER MEANS INSTEAD OF JURY TRIALS AND OTHER IMPORTANT TERMS IN THE CUSTOMER AGREEMENT.

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

**RESOLUTION NO. 13-368**

**IN THE MATTER OF AUTHORIZING THE USE OF PROCUREMENT CARDS FOR ADULT COURT SERVICES:**

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

Whereas, pursuant to Ohio Revised Code Section 301.29, the Board of Commissioners of Delaware County by Resolution No. 04-1193 dated September 30th, 2004, adopted a policy for the use of County Procurement Cards. In addition, The Board of Commissioners of Delaware County by Resolution No. 11-1040 dated October 3rd, 2011, adopted amendments to the Policies and Procedures for the county procurement card program; and

Whereas, the appointing authority for the procurement card being the County Auditor, has adopted the procurement card policy for the use of the card to pay for specific classes of work related expenses, without submitting a monthly estimate of the expenses, pursuant ORC 301.29 (F)(2).

Now Therefore Be It Resolved, that the Board of Commissioners of Delaware County, State of Ohio, authorize the use of the following procurement cards to the limits indicated and for specific work related expenses designated in the Procurement Card Policy without submitting a monthly estimate of expenses:

Appointing Authority:	Court of Common Pleas
Office/Department:	Adult Court Services
Daily spending per card:	\$5,000
Monthly spending per card:	\$10,000
Single transaction limit:	\$5,000
Daily number of transactions per card:	10
Monthly number of transactions per card:	50
Name on Card 1:	Doug Missman
Name on Card 2:	Mark Taglione
Department Coordinator:	Kay Baglione

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

**RESOLUTION NO. 13-369**

**IN THE MATTER OF ACCEPTING THE AWARD OF THE 2012 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FOR THE DELAWARE COUNTY DRUG COURT DOCKET FOR ADULT COURT SERVICES:**

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

WHEREAS, the Delaware County Adult Court Services has applied for and been awarded the 2012 Justice Assistance Grant for the Drug Court

WHEREAS, the Grant funds a Drug Court probation officer who will supervise the offenders placed on the drug court docket, this includes random drug testing, home visits, office visits, case plan development to ensure compliance, communicate with the Judge and docket team and coordinate information as needed. (The Grant) and

WHEREAS, a local match of \$ 30,148.08 is required for the Grant and will be paid transferred from fund 10011102; and

WHEREAS, Commissioner O'Brien, as President of the Board of County Commissioners (the "Board"), is listed as the designated official for Delaware County for the Grant; and

WHEREAS, the Board desires uninterrupted compliance with the Grant reporting requirements by maintaining Commissioner Stapleton as the designated official;

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

Section 1. The Board hereby accepts the award of the Grant as follows:

Grant #	2012-JG-D01-6923
Source:	Ohio Office of Criminal Justice Services
Grant Period:	January 1, 2013 – December 31, 2013

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Federal Grant Amount: \$12,500.00  
Local Match: 30,148.08  
Total Grant Amount: \$42,648.08

Section 2. The Board hereby authorizes Commissioner O'Brien, as the designated official, to execute reports and administrative documents for the Grant.

Section 3. When reports or administrative documents require execution by the designated official, a copy of the report or documents shall be provided to the Clerk of the Board, along with a copy of this Resolution.

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

**RESOLUTION NO. 13-370**

**IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS, TRANSFER OF FUNDS AND REPAYMENT OF PRIOR YEAR ADVANCE FOR ADULT COURT SERVICES:**

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

**Supplemental Appropriations**

25522309-5201	Drug Court Docket/General Supplies	(4,202.14)
25522309-5301	Drug Court Docket/Contracted Professional Services	(4,071.28)
25522309-5305	Drug Court Docket/Training & Staff Development	(500.00)

**Transfer of Funds**

<b>From</b>	<b>To</b>	
10011102-5801	25522309-4601	
Commissioners General/Transfers	Drug Court Docket/Interfund Revenue	\$30,148.08

**Repayment of Prior Year Advance**

<b>From</b>	<b>To</b>	
25522309-8501	10011102-8401	
Drug Court Docket/Prior Year Advances Out	Commissioners General/Prior Year Advances In	20,000.00

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

**PRESENTATION  
FRANCES JO HAMILTON, EXECUTIVE DIRECTOR, MAIN STREET DELAWARE**

**RESOLUTION NO. 13-371**

**IN THE MATTER OF RESCINDING RESOLUTION NO. 99-995:**

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

WHEREAS, on December 1, 1999, the Delaware County Board of Commissioners (the "Board") adopted Resolution No. 99-995, vacating a portion of former Worthington Road, County Road 13; and

WHEREAS, on July 6, 1999, prior to the adoption of Resolution No. 99-995, the Board adopted Resolution No. 99-569, ordering the annexation of 3.0 acres of land from Orange Township to the City of Westerville (the "Annexation"); and

WHEREAS, the Annexation contained the portion of former Worthington Road, County Road 13, that was vacated within Resolution No. 99-995; and

WHEREAS, on September 21, 1999, the Council for the City of Westerville adopted Ordinance No. 99-72, accepting the Annexation; and

WHEREAS, by virtue of the Annexation occurring prior to the adoption of Resolution No. 99-995, the Board lacked jurisdiction to vacate the portion of former Worthington Road, County Road 13; and

WHEREAS, the Board is of the opinion that it is necessary that Resolution No. 99-995 be rescinded in order to correct the error in the records of the county;

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

Section 1. The Board hereby rescinds Resolution No. 99-995.

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Section 2. The Board hereby directs the Clerk of the Board to certify a copy of this Resolution to the Delaware County Recorder for the insertion of the appropriate notations reflecting this action.

Section 3. This Resolution shall take effect immediately upon adoption.

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

**COMMISSIONERS' COMMITTEES REPORTS**

**Commissioner Merrell**

**-On Tuesday Will Visit With 3<sup>rd</sup> Grades At Alum Creek Elementary**

**Commissioner Stapleton**

**-Last Week Attended A MORPC Meeting And The CCAO Legislative Briefing  
-Will Attend Full Board DKMM Meeting Tuesday And On Friday A County Commissioners CEBCO Meeting**

**Commissioner O'Brien**

**-Attended And Participated In An Executive DKMM Meeting  
-Will Attend Full Board DKMM Meeting Tuesday**

There being no further business, the meeting adjourned.

**1:15PM WORK SESSION**

**1) PAULA ROLLER,  
PRESENTATION; TURNING POINT**

**2) GLENN MARZLUF, GENERAL MANAGER OF DEL-CO WATER**

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

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

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Dennis Stapleton

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