

COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 9, 2014

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. 14-10

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JANUARY 6, 2014:

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 6, 2014; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.12 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. 14-11

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0108:

It was moved by Mr. Stapleton, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0108:

PR Number	Vendor Name	Line Description	Line Account	Amount
COMMISSIONERS–MATERIALS /SERVICES AND CHARGES				
R1400003	PNC BANK	PCARD MATERIAL AND SUPPLIES	10011101 - 5200	\$5,000.00
R1400003	PNC BANK	PCARD SERVICES AND CHARGES	10011101 - 5300	\$2,000.00
R1400004	PNC BANK	PCARD MATERIAL AND SUPPLIES	10011102 - 5200	\$5,000.00
R1400004	PNC BANK	PCARD SERVICE AND CHARGES	10011102 - 5300	\$2,000.00
R1400005	PNC BANK	PCARD MATERIAL AND SUPPLIES	10011139 - 5200	\$5,000.00
R1400005	PNC BANK	PCARD SERVICE AND CHARGES	10011139 - 5300	\$5,000.00
COMMISSIONERS–				
R1400006	OHIO STATE UNIVERSITY EXTENSION	COMMUNITY ENHANCEMENT	10011102 - 5602	\$250,000.00
R1400007	SOIL & WATER CONSERVATION DISTRICT	COMMUNITY ENHANCEMENT	10011102 - 5602	\$265,000.00
COMMISSIONERS– SERVICE AND CHARGES				
R1400008	FINANCE DIRECTOR, DELAWARE CORP	CITY PROSECUTOR	10029203 - 5360	\$150,000.00
R1400008	FINANCE DIRECTOR, DELAWARE CORP	40% SHARE MUNICIPAL COURT	10029203 - 5360	\$230,000.00
R1400009	REGIONAL PLANNING	MEMBERSHIP	10011102 - 5308	\$156,499.00
R1400010	TREASURER, STATE OF OHIO	STATE AUDIT	10011102 - 5301	\$80,000.00
R1400011	EMERGENCY MANAGEMENT AGENCY	EMA APPORTIONMENT	10011102 - 5345	\$35,000.00
R1400012	TREASURER, STATE OF OHIO	BCMH REIMBURSEMENTS	10011102 - 5319	\$400,000.00
R1400013	TREASURER, STARK COUNTY	5TH DISTRICT COURT OF APPEALS	10029202 - 5301	\$32,000.00

COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 9, 2014

R1400014	MAXIMUS CONSULTING SVCS INC	COST ALLOCATION PLAN	10011102 - 5301	\$11,000.00		
R1400015	TREASURER, DELAWARE COUNTY	PROPERTY TAX WILLIS BUILDING	10011102 - 5380	\$53,000.00		
R1400016	TRIDENT GROUP LTD	SECURITY SERVICE	10011102 - 5301	\$260,000.00		
PERMANENT IMPROVEMENT- SERVICE AND CHARGES						
R1400017	OHIO CONCRETE SAWING AND DRILLING INC	HAYES 2ND FL. LOBBY CARPET REMOVAL AND POLISH	40111402 - 5328	\$14,835.00		
Vote on Motion	Mr. Stapleton	Aye	Mr. Merrell	Aye	Mr. O'Brien	Aye

RESOLUTION NO. 14-12

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The County Administrator is requesting that Gary Merrell, Tim Hansley, Dawn Huston, Teri Morgan, Gus Comstock and Jenna Jackson attend the Chamber of Commerce Annual Meeting at the NorthPointe Conference Center on January 31, 2014 at the cost of \$360.00 (fund number 10011101).

Environmental Services is requesting that Kris Fluty attend Basic Industrial Electricity and Centrifugal Pumps seminars in Columbus, Ohio on February 4-7, 2014 for a total amount of \$1,290.00 from org key 66211901.

Environmental Services is requesting that James Benjamin, Mason Janczak, Anthony Cooper, Ricky Thomas, Brian Rammelsburg and Trey Matthews attend the 2014 Pump Show and Environmental Expo in Indianapolis, Indiana on February 24-27, 2014 for a total amount of \$2,566.62 from org key 66211901.

Environmental Services is requesting that Brian Keener and Kevin Brutchey attend the Ohio Pesticide Commercial Applicator 2014 Recertification Conference in Columbus, Ohio on March 6, 2014 for a total amount of \$190.00 from org key 66211901.

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

RESOLUTION NO. 14-13

IN THE MATTER OF A TRANSFER LIQUOR LICENSE REQUEST FROM CGPM MANAGERS II LLC GOLF COURSE/SWIM CLUB TO ARCIS HOSPITALITY PARTNERS LLC, DBA: TARTAN FIELDS GOLF CLUB SWIMMING POOL TENNIS COURTS AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:

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

Whereas, the Ohio Division of Liquor Control has notified both the Delaware County Board of Commissioners and the Concord Township Trustees that Tartan Fields Golf Swimming Pool Tennis Courts has requested a transfer permit located at 8070 Tartan Fields Drive & Patio, Concord Twp, Dublin, OH 43017 and

Whereas, the Delaware County Board of Commissioners has found no reason to file an objection,

Therefore Be it Resolved, The Clerk of the Board shall complete the necessary forms and notify the Ohio Division of Liquor Control that no objections are made and no hearing is requested by this Board of County Commissioners.

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

RESOLUTION NO. 14-14

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

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

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

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

RESOLUTION NO. 14-15

IN THE MATTER OF GRANTING THE ANNEXATION PETITION OF 11.051 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF DELAWARE:

COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 9, 2014

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

Whereas, on December 11, 2013, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Darren Shulman, agent for the petitioners, of 11.051 acres, more or less, in Liberty Township to the City of Delaware; and

Whereas, ORC Section 709.023-Expedited Type 2 Annexation Petition; Petitions By All Property Owners With Or Without Consent of Municipality & Township(s) – If the Municipality or Township does not file an objection within 25 days after filing of annexation, the Board at its next regular session shall enter upon its journal a resolution granting the proposed annexation; and

Whereas, 25 days have passed and the Clerk of the Board has not received an objection from the City of Delaware or the Township of Liberty;

Therefore, Be It Resolved, the Delaware County Board of Commissioners grants the annexation petition request to annex 11.051 acres, more or less, in Liberty Township to the City of Delaware.

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

**KARLA HERRON AND JOSH PEDALINE, BOARD OF ELECTIONS
UPDATE TO BOARD ON VOTING EQUIPMENT**

**DAN CURTIS
PRESENTATION, APIARY INSPECTION SERVICES FOR 2014**

RESOLUTION NO. 14-16

**IN THE MATTER OF APPROVING THE CONSULTING AND SERVICES AGREEMENT
BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND REGIONOMICS
LLC TO PERFORM CONSULTING SERVICES AS A PRIORITY INITIATIVE FOR AN
ECONOMIC DEVELOPMENT ACTION PLAN PER RESOLUTION 13-496:**

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

Whereas, the Director of the Economic Development Department recommends approving Regionomics LLC and Services Agreement to perform consulting services as a priority initiative for an Economic Development Action Plan per Resolution 13-496.

Now Therefore Be It Resolved, that the Delaware County Board of Commissioners approve the Services Contract with Regionomics LLC.

CONSULTING AND SERVICES AGREEMENT

Section 1 – Parties to the Agreement:

This Agreement is entered into this 9TH day of January, 2014, by and between the Delaware County Board of Commissioners, Delaware County, Ohio, 101 North Sandusky Street, Delaware, OH 43015 (the “County”), and Regionomics LLC., 1293 South Fourth Street, Columbus, OH 43206 (“Consultant”).

Section 2 – Contract Administrator:

The County hereby designates the Delaware County Administrator as Administrator and agent of the County for all services performed under this Agreement. The Administrator shall have general supervision of the services and authority to order commencement or suspension of services.

Section 3 – Scope of Services:

Consultant shall provide services as listed below:

Controlling Principles

This plan should be founded upon six key ideas:

1. Delaware County is an essential part of the Columbus Region. For a plan to be successful, it must be consistent with and supportive of regional plans and initiatives. But at the same time, it must recognize the significant demographic and economic differences between Delaware County and the other counties of the Region. These differences imply that some aspects of Delaware County’s plan must be unique, while recognizing the unique contribution that the County can and should make to the Region’s development.
2. At least three distinct economies impact that of Delaware County. The expansion of the urbanized area of Columbus has given rise to retail and office uses and increasing numbers of Franklin County residents

**COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 9, 2014**

traveling north for employment and shopping. The city of Delaware and its vicinity accommodates a diverse blend of business services, personal services, government, and an increasing complement of manufacturing and distribution. The northern two-thirds of the County (excluding the city) are currently primarily rural and agriculture-based. Whether this remains the case in Delaware County or not, agriculture will continue to dominate in the surrounding counties. A successful plan must recognize the unique character of each of these three forces and consider ways in which they can complement one another.

3. Economic development and workforce development strategies must be developed jointly and complement each other. Considering either without the other will result in the inadequacy of both. Both economic and workforce development strategies must be developed in close coordination with broader regional strategies – in part because Delaware County employers draw workers from other counties in the Region.
4. Attracting large expansion projects is undeniably important for Delaware County's future, but maintaining a supportive climate for existing businesses is even more important. Since 2000, 80.2 percent of all newly-created private-sector jobs nationally – and 83.3 percent of jobs created in Ohio – have been created by existing employers. Identifying and removing any barriers that frustrate the ability of existing employers to achieve their full economic potential is the best way to achieve economic stability and employment growth.
5. Fostering the development of locally-owned businesses is also important. The rate of small business formation and the percentage of all businesses that are small is far lower than average in the Columbus MSA, and households obtain a far higher-than-average proportion of retail purchases at chain stores. This is a problem. Locally-owned businesses are invested in and accountable to the community, and have the understanding of the community that enables better business decisions and more-satisfied customers. By understanding and meeting the unique needs of Delaware County, these businesses help preserve and enhance the County's unique nature and the quality of life of residents. Local businesses also have their higher-paying executive functions in the community and are also more likely to deal with local suppliers. Both of these attributes keep a far larger share of business revenues within the community – increasing growth, per-capita income, and economic impact.
6. A successful plan is developed not by those writing the plan, but by the members of the community. The conclusions and recommendations must depend to a significant extent on the insights and experience of community leaders. The plan must be a living document that recognizes that conditions and needs can change in unanticipated ways.

The implication of the first idea is that there are specific types of business development that are more suitable for Delaware County than for other places and for other counties of the Region. The array of industries that have a higher-than-average concentration and faster-than-average growth is a function of the environmental and economic characteristics that make Delaware County firms in these industries more competitive than their counterparts elsewhere. An analysis of these "economic drivers," why these industries are particularly successful, and how the list differs from that of the Columbus Region as a whole will give critical insight into Delaware County's marketable strengths. An identification of the key supplier industries of the driver industries may suggest worthwhile new directions for economic development.

The website data tool is critical to give Delaware County the online presence needed to attract development. Increasingly, site selectors use online sources to collect initial information regarding communities. If this information is unavailable or difficult to access, the community is often not even considered. There is no way to know whether Delaware County's lack of a robust information store has resulted in lost attraction opportunities, but it is quite possible that it has. Consequently, this need is critical and must be addressed as soon as possible. There are several potential audiences of this tool in addition to site selectors; these include researchers, students and educators, and local citizens. These audiences have different needs and levels of sophistication, so an effective tool will require the audiences to be identified and prioritized by County officials. Regionomics can supply both the content and the messaging of the content, and can work with the County's website developers to ensure that the information is presented clearly and correctly.

Project Approach

The need for the website tool is urgent. The information will be provided by a thorough economic and demographic analysis of Delaware County over time and in comparison to the US and to the Columbus Region. This is also the first step of the strategic plan because it will provide the theoretical basis for strategies to be identified there.

The strategic plan's second step is an analysis that will identify economic drivers: detailed industries that are a larger-than-average component of the county's economy and have long-term growth that is faster than the national average. Local firms in these industries presumably benefit from unique factors that make them more competitive than their counterparts elsewhere, so additional firms in these industries – and their supplier industries – may make worthwhile attraction targets. Because these firms are key contributors to Delaware County's above-average growth, it is particularly important to understand the factors behind that growth, as well as any barriers to

**COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 9, 2014**

further growth. For example, workforce availability may be an increasing challenge if growth is significant; this information will be important to share with Delaware County's Opportunity Job Network as well as career and job-focused education and training providers serving the county.

Traditionally, driver analysis is based upon employment growth, but it is preferable to use industry output instead. Employment growth can provide misleading signals, especially in industries such as manufacturing where increasing productivity heavily impacts employment growth. Moody's Analytics provides estimates of the county-level output of detailed (i.e., four-digit NAICS) industries. A key advantage of these estimates are that they are available over a long enough historical period to identify drivers, and that they are projected several decades into the future as well. These projections assume the status quo, so they will understate growth to the extent that their development can be successfully fostered, but they do provide a baseline and incorporate projected national-level factors.

Once the drivers are identified, the third step is to identify the most prevalent occupations within these industries, develop six to seven-year growth projections for those occupations, and identify their primary skill needs. These results will be shared with business leaders in the driver industries to determine the extent that their experience differs from that implied by the secondary data. (Some difference is likely because of the limitations of labor market data and classifications.) The ultimate result will be both potential workforce-related constraints on driver industry growth and insights on skill needs that can be shared with education and training providers.

The fourth step will be to have discussions with political, business, and community leadership of the municipalities and townships of Delaware County. These discussions will include the needs, constraints, and long-term objectives of their jurisdictions, and the strengths, weaknesses, opportunities, and threats confronting the county as a whole. The findings from earlier stages of the project will be presented and the participants will be invited to share their insights. It is assumed that these discussions could occur in focus group settings; the budget assumes five such meetings. The results of these discussions will be a critical component of the final plan. It will be important for Delaware County to identify potential invitees to these meetings. The County will need to provide or arrange for meeting space. The County may also want to extend the invitations in order to maximize participation, although Regionomics is happy to do so.

Plan Document Outline

An outline for the strategic economic development plan is as follows:

1. Summary of plan – can function as a stand-alone document.
2. Economic and demographic analysis of Delaware County.
 - a. Population analysis.
 - i. Level and by age – 2000, 2010, and projected to 2050.
 - ii. Educational attainment and school enrollment.
 - iii. Previous residence, immigrant status.
 - iv. Household composition.
 - b. Resident workforce analysis.¹
 - i. Labor force status (participation, employment, and unemployment).
 - ii. Industry and occupation of employment.
 - iii. County-to-county worker commuting flows – both residents and workers.
 - c. Housing analysis.
 - i. Physical characteristics.
 - ii. Owner and renter costs.
 - d. Economic analysis.
 - i. County employment trends in total and by primary industry sector.
 - ii. Farm employment and production.
 - iii. Non-farm private-sector total and industry sector employment for county subareas defined by ZIP codes.
 - iv. Large employers by subarea.
 - v. Small business characteristics.
 - e. Elements for the website tool; guidance on obtaining the data necessary to keep it updated.
3. Driver analysis.
 - a. Conceptual discussion.
 - b. List of detailed (four-digit NAICS) industry drivers based on Moody's Analytics output data.
 - c. Comparisons to and contrasts with previous results for the Columbus Region.
4. In-depth analysis of three top drivers – information for each driver industry.
 - a. Moody's Analytics output projections.
 - b. Large employers in the industry.
 - c. List of key supplier industries with Delaware County employment, output concentration, and large employers.

¹ Note: this is an analysis of workers living in Delaware County but possibly working elsewhere. Data are not available regarding the characteristics of people working in Delaware County – other than their county of residence.

COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 9, 2014

- 5. Driver-focused workforce development.
 - a. List of critical occupations in each driver industry with wages, skill characteristics, and estimates of Delaware County employment.
 - b. Results of discussions with industry representatives regarding skills gaps and other needs.
 - c. Summary of resources to fill workforce skill gaps: Educational institutions in Delaware County and elsewhere in the region and the Opportunity Job Network.
- 6. Physical development and subcounty-level considerations.
 - a. Discussion of historical and projected development patterns, based on County and MORPC planning materials.
 - b. Results of discussions with township and municipality officials.
- 7. Opportunities for funding economic and workforce development.
 - a. Government grants and loans; workforce-related TANF and WIA funding.
 - b. Public-private partnerships.
- 8. SWOT analysis for Delaware County.
- 9. Summary, conclusions and recommendations.
 - a. Focus industries for development, workforce considerations.
 - b. Recommendations for attracting and developing business and fostering continued excellence.

At a minimum, there will need to be discussions with business and industry leaders (particularly in the three driver industries); small business owners; developers; workforce development officials; educational institutions; the Chamber; and County, municipal, and township leaders. These will be accomplished by a combination of one-on-one meetings and perhaps one or two focus groups. The project will include a formal presentation of the results at a public meeting of your choosing and ongoing implementation support as needed.

Section 4 – Compensation:

The following is a summary of the tasks, cost, and timeline for development of the economic development strategic plan as outlined above. The economic/demographic analysis is particularly time-sensitive and will be completed as expeditiously as possible. Note that the charges below do not include graphic design of the document or the necessary mapping. Outside firms can be engaged to provide these services, but they can presumably be accomplished by County staff at no out-of-pocket cost. The cost for each task is based on the estimated time shown; the cost will not exceed that given. If the time spent is less than the estimate, the project cost can be reduced or the time reallocated to additional interviews (at the County’s option).

Task	Hours	Cost	Date
Economic/demographic analysis and discussion	15	\$ 2,250	Jan. 2014
Delivery of economic/demographic analysis			Jan. 2014
Work with county staff to implement the data tool	5	750	Jan. 2014
Output data from Moody's Analytics (estimate)		1,350	Feb. 2014
Driver analysis and discussion	10	1,500	Feb. 2014
Delivery of driver analysis; selection of 3 drivers			Feb. 2014
Occupational analysis	12	1,800	Feb. 2014
Prep time and 5 interviews (industry and workforce)	20	3,000	Mar. 2014
Discussion of occupational and workforce issues	15	2,250	Mar. 2014
Delivery of occupational and workforce discussion			Mar. 2014
Review of MORPC and County planning documents; discussions with planning professionals	20	3,000	Apr. 2014
Discussion of general development guidelines	10	1,500	Apr. 2014
Delivery of development guidelines discussion			Apr. 2014
Prep time and 5 interviews (local officials)	20	3,000	Apr./May 2014
Discussion of local issues, SWOT, and summary	20	3,000	May 2014
Delivery of draft plan			May 2014
Implementation of necessary revisions	10	1,500	Jun. 2014
Delivery of completed plan			Jun. 2014
Presentation, media relations		Included	Jun. 2014
Total cost	157	\$ 24,900	

Invoices will be sent following the completion of each major task; the planned timeline is given below. Note that payment for the Moody’s Analytics data is expected in advance; the cost may vary somewhat from that given. If the file is acquired during the first phase, the driver analysis can begin immediately upon completion of that phase. Other charges are due within 30 days of the date of the invoice.

Milestone	Invoice	Date
After delivery of economic/demographic analysis and work with web designers	\$ 3,000	Jan. 2014
Acquisition of Moody's Analytics data (pass-through)	1,350	Jan. 2014
After delivery of driver analysis	1,500	Feb. 2014
After delivery of occupation and workforce analysis	7,050	Mar. 2014
After delivery of development guidelines discussion	4,500	Apr.. 2014
After delivery of complete draft plan	6,000	May 2014
After delivery of complete final plan	1,500	Jun. 2014
Total cost	\$ 24,900	

**COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 9, 2014**

Section 5 – Payment:

Compensation shall be paid based upon invoices submitted to the Economic Development Director by the Consultant on company letterhead clearly identified as an invoice with a sequential number provided. The County may request additional documentation substantiating said invoices, and the Consultant shall promptly submit documentation as needed to substantiate said invoices. The County shall pay approved invoices within 30 days of receipt.

Section 6 – Term; Completion of Work, Delays and Extensions:

Work pursuant to this Agreement shall commence immediately upon execution of the Agreement. All Work associated with this Agreement shall be completed by the Consultant no later than June 30, 2014. In the event that unforeseen and unavoidable delays prevent the timely completion of the Work provided under this Agreement, the Consultant may make a written request for a time extension, and the Administrator may grant such an extension, provided the Consultant has adhered to all other terms of the Agreement.

Section 7 – Insurance:

- 7.1 **General Liability Coverage:** Consultant shall maintain commercial general liability insurance of \$1,000,000 each occurrence with an annual aggregate of \$1,000,000. Identical coverage shall be required to be provided by all subcontractors, if any.
- 7.2 **Workers' Compensation Coverage:** Consultant shall maintain workers' compensation coverage as required by the laws of the State of Ohio. Identical coverage shall be required to be provided by all subcontractors, if any.
- 7.3 **Additional Insured:** The County, and its elected officials and employees, shall be named as additional insured with respect to all activities under this Agreement in the general liability policy required in Subsection 7.1.
- 7.4 **Proof of Insurance:** Prior to the commencement of any services under this Agreement, Consultant shall furnish the County with properly executed certificates of insurance for all insurance required by this Agreement and properly executed endorsements indicating the listing of additional insured in accordance with Subsection 7.3. Certificates of insurance shall provide that such insurance shall not be cancelled without thirty (30) days prior written notice to the County. Consultant will replace certificates for any insurance expiring prior to completion of work under this Agreement.

Section 8 – Indemnification:

The Consultant shall indemnify and hold free and harmless the County, and its elected officials and employees, from any and all damages, injury, costs, expenses, judgments or decrees, or any other liabilities that they may incur as a result of bodily injury, sickness, disease or death or injury to or destruction of tangible property including the loss of use resulting therefrom, to the proportional extent caused in whole or part by any negligent acts, errors or omissions of the Consultant, its employees, agents, subcontractors, and their employees and agents' subcontractors and their employees or any other person for whose acts any of them may be liable.

Section 9 – Termination of Agreement:

The County may terminate this Agreement by providing a one week notice to Consultant at any time during the grant period. The Consultant shall immediately terminate services and submit a final invoice within thirty (30) days of receiving the Notice of Termination for services completed up to the date of termination. The County is not liable for payment for work performed after the date of termination.

Section 10 – Change in Scope of Work:

In the event that significant changes to the Scope of Services as defined in Section 3 are required during performance of the Agreement, the first party shall notify the second party in writing with a detailed explanation of the circumstances believed to have changed beyond those originally contemplated by this Agreement. Any subsequent modifications to this Agreement shall take effect only upon approval by both parties in writing.

Section 11 – Ownership of Documents:

Upon completion or termination of the Agreement, the Consultant shall provide copies to the County of all documents created specifically for the purposes of this Agreement. The County shall have ownership of said documents, which are considered, but not limited to, any tangible written or electronic work, whether complete or incomplete, produced in accordance with the Agreement. This section does not require unauthorized duplication of copyrighted materials.

Section 12 – Miscellaneous Terms & Conditions:

- 12.1 **Prohibited Interests:** Consultant agrees that no agent, officer, or employee of the County during his/her tenure or for one year thereafter shall have any interest, direct or indirect, in this Agreement or the proceeds thereof. Consultant further agrees that it will not employ in any manner a current County employee for a minimum period of one (1) year from the completion date of this project, without the prior express written consent of County.
- 12.2 **Entire Agreement:** This Agreement, and those documents incorporated by reference herein, shall constitute the entire understanding and agreement between the County and the Consultant, shall supersede all prior understandings and agreements relating to the subject matter hereof, and may only be amended in writing with the mutual consent and agreement of the parties. In the event of a conflict between the terms stated in this

COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 9, 2014

Agreement and the documents incorporated by reference, the terms stated in this Agreement shall take precedence.

- 12.3 Governing Law: This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio. Any and all legal disputes arising from this Agreement shall be filed in and heard before the courts of Delaware County, Ohio.
- 12.4 Headings: The subject headings of the Sections and Subsections in this Agreement are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions. This Agreement shall be deemed to have been drafted by both parties and no purposes of interpretation shall be made to the contrary.
- 12.5 Waivers: No waiver of breach of any provision of this Agreement shall in any way constitute a waiver of any prior, concurrent, subsequent, or future breach of this Agreement or any other provision hereof. No term or provision of this Agreement shall be deemed waived, and no breach excused, unless such a waiver or consent is expressly made in writing and signed by the party claimed to have waived or consented. Such waiver shall not constitute and shall not in any way be interpreted as a waiver of any other term or provision or future breach unless said waiver expressly states an intention to waive another specific term or provision or future breach.
- 12.6 Severability: If any item, condition, portion, or section of this Agreement or the application thereof to any person, premises, or circumstance shall to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition, provision, or section to persons, premises, or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Agreement and all the terms, conditions, provisions, or sections hereof shall, in all other respects, continue to be effective and to be complied with.
- 12.7 Findings for Recovery: Consultant certifies that it has no unresolved findings for recovery pending or issued against it by the State of Ohio.
- 12.8 Non-Discrimination/Equal Opportunity: Consultant hereby certifies that, in the hiring of employees for the performance of work under this Agreement or any subcontract, that neither it nor any subcontractor, by reason of race, color, religion, sex, age, disability as defined in section 4112.01 of the Revised Code, national origin, or ancestry, shall discriminate against any citizen of this state in the employment of a person qualified and available to perform the work to which the Agreement relates.

Consultant further certifies that neither it nor any subcontractor, or person acting on behalf of it or any subcontractor, in any manner, shall discriminate against, intimidate, or retaliate against any employee hired for the performance of work under this Agreement on account of race, color, religion, sex, age, disability as defined in section 4112.01 of the Revised Code, national origin, or ancestry.

Consultant certifies that it has a written affirmative action program for employment and effectively utilizes economically disadvantaged persons, as referred to in division (E)(1) of section 122.71 of the Revised Code.

Consultant certifies that it complies with all applicable laws regarding Non-Discrimination / Equal Opportunity and will not discriminate.

- 12.9 Independent Contractor: Consultant agrees that no agency, employment, joint venture, or partnership has been or will be created between the parties hereto pursuant to the terms and conditions of this Agreement. Consultant also agrees that, as an independent contractor, it assumes all responsibility for any federal, state, municipal, or other tax liabilities along with workers compensation, unemployment compensation, and insurance premiums which may accrue as a result of compensation received for services or deliverables rendered hereunder.

The County is a public employer as defined in R.C. § 145.01(D). The County has classified Contractor as an independent contractor or another classification other than public employee. As a result, no contributions will be made to the Ohio Public Employees Retirement System (“OPERS”) for or on behalf of Contractor for services and/or deliverables rendered and/or received under or pursuant to this Agreement. Contractor acknowledges and agrees that the County, in accordance with R.C. § 145.038(A), has informed it of such classification and that no contributions will be made to OPERS. In support of being so informed and pursuant to R.C. § 145.038, Contractor agrees to and shall complete an OPERS Independent Contractor Acknowledgement Form (“Form”). The Form is attached hereto and by this reference is incorporated as a part of this Agreement. The County shall retain the completed Form and immediately transmit a copy of it to OPERS.

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

RESOLUTION NO. 14-17
IN THE MATTER OF APPROVING THE SANITARY SEWER CONSTRUCTION PLANS FOR MEADOWS AT LEWIS CENTER NORTH AND MORGAN PLACE:

COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 9, 2014

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

Whereas, the Director of Environmental Services recommends sanitary sewer plans for Meadows at Lewis Center North and Morgan Place for submittal to the Ohio EPA for their approval.

Therefore be it resolved, that the Board of Commissioners approves sanitary sewer plans for Meadows at Lewis Center North and Morgan Place for submittal to the Ohio EPA for their approval.

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

RESOLUTION NO. 14-18

IN THE MATTER OF DECLARING AN EMERGENCY FOR SLUDGE DISPOSAL SERVICES FOR THE REGIONAL SEWER DISTRICT:

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

WHEREAS, the Delaware County Regional Sewer District operates many wastewater treatment facilities that all require sludge disposal for proper operations in order to meet EPA compliance requirements; and

WHEREAS, it was necessary to continue sludge disposal services with the existing contractor while new disposal options were investigated and a new contract was publicly bid for this service; and

WHEREAS, the total expense with Central Ohio Contractors, Inc. was less than \$100,000;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO:

Section 1. The Board hereby finds and determines that the need for continual sludge disposal services constitutes a real and present emergency in order to protect public health and operate the County’s wastewater facilities in compliance with EPA requirements.

Section 2. The Board approves a voucher in the amount of \$43,279.13 payable to Central Ohio Contractors, Inc. for sludge disposal services.

Section 3. This Resolution shall take immediate effect upon passage.

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

RESOLUTION NO. 14-19

IN THE MATTER OF AMENDING USER CHARGES FOR THE DELAWARE COUNTY SEWER DISTRICT IN CONFORMITY WITH PROVISIONS OF SECTION 6117.02 OF THE OHIO REVISED CODE:

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

WHEREAS, pursuant to section 6117.02 of the Revised Code, the Delaware County Board of Commissioners (the “Board”) shall fix reasonable rates for the use, or availability for use, of the Delaware County Sewer District (the “District”) sanitary sewer facilities; and

WHEREAS, the Board may change the rates from time to time as it considers advisable and, accordingly, has previously made changes in Resolutions 89-07, 93-530, and 04-1601; and

WHEREAS, the Director of Environmental Services recommends a change to the rates;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, finding it advisable to change the user rates for the District, hereby approves the following:

Section 1. Section II, Parts I and II of the District rate resolution are hereby amended to read as follows:

Section II. Sanitary Sewer Use Charge

A Resolution amending the user charges for sewage collection and sewage treatment service in the County of Delaware, Ohio. All moneys collected as user charges shall be paid to the county treasurer and kept in a separate and distinct sanitary fund established by the Board to the credit of the District. Except as otherwise provided in any proceedings authorizing or providing for the security for and payment of any public obligations, or in any indenture or trust or other agreement securing public obligations, moneys in the sanitary fund shall be applied first to the payment of the cost of the management, maintenance, and operation of the sanitary facilities of, or used or

COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 9, 2014

operated for, the District, which cost may include the county's share of management, maintenance, and operation costs under cooperative contracts for the acquisition, construction, or use of sanitary facilities and, in accordance with a cost allocation plan adopted under division (E) of section 6117.02 of the Revised Code, payment of all allowable direct and indirect costs of the District, the county sanitary engineer or sanitary engineering department, or a federal or state grant program, incurred for sanitary purposes under R.C. Chapter 6117, and shall be applied second to the payment of debt charges payable on any outstanding public obligations issued or incurred for the acquisition or construction of sanitary facilities for or serving the District, or for the funding of a bond retirement or other fund established for the payment of or security for the obligations. Any surplus remaining may be applied to the acquisition or construction of those facilities or for the payment of contributions to be made, or costs incurred, for the acquisition or construction of those facilities under cooperative contracts. Moneys in the sanitary fund shall not be expended other than for the use and benefit of the District.

Part I Definitions

"User Charge" - Shall mean the charge assessed for the use, or the availability for use, of the sanitary facilities of the District to be paid by every person and public agency whose premises are served, or capable of being served, by a connection to those facilities to recover the costs of the District in accordance with section 6117.02 of the Revised Code, specifically the management, maintenance, operation, acquisition, and construction of sanitary facilities, including related debt charges.

Part II - User Charges

The Board of County Commissioners has the authority to establish and regularly review the User Charge for each individual connection to any and all sanitary sewerage systems operated and maintained by the County Sanitary Engineer in County Sewer Districts. The following User Charges are hereby established:

TYPE OF USE	EQUIVALENT RESIDENTIAL UNITS	USER CHARGE RATE			
		MINIMUM \$ PER MONTH FLAT RATE			
		11/1/07	5/1/14	2/1/16	2/1/18
Single Family Residence	1.0 each	\$28.00	\$30.00	\$32.00	\$33.00
Efficiency & One Bedroom Apartments	0.60 per unit	\$16.80	\$18.00	\$19.20	\$19.80
Two Bedroom Apartments	0.75 per unit	\$21.00	\$22.50	\$24.00	\$24.75
Three Bedroom and Over Apartments	1.0 per unit	\$28.00	\$30.00	\$32.00	\$33.00
Condominium	1.0 per unit	\$28.00	\$30.00	\$32.00	\$33.00
Mobile Home Parks	0.75 per single space	\$21.00	\$22.50	\$24.00	\$24.75
	1.0 per double wide space	\$28.00	\$30.00	\$32.00	\$33.00

For any use not shown, multiple or modified uses, the number of equivalent residential units and the resultant monthly charge shall be determined by the Delaware County Sanitary Engineer by the use of accepted engineering practices and on the basis of anticipated volume and composition of the flow from the proposed connection using 290 gallons per day of ordinary domestic sewage as the standard usage for one (1) residential unit.

Subject to the availability of funds after proper allocation of all monies received in the District fund pursuant to section 6117.02 of the Revised Code, three percent (3.0%) of the collected User Charges shall be designated for the acquisition and construction of sanitary sewer facilities. Revenue shall be transferred to the appropriate fund for such projects.

The User Charge rate shall be reviewed annually by the Board, based upon the Sanitary Engineer’s recommendations, in order to determine whether or not they are sufficient to defray the annual cost of operation of the District as determined from the wastewater treatment plant records. If the difference between the total annual revenue derived and the total annual cost is sufficient to justify an increase or decrease in the user charge rate, the Board will adjust the rates as required. The purpose of the annual review is also to maintain proportionality in the user charge system.

All users will be billed quarterly for their monthly service. User charges for new connections will be prorated from the date of the connection to the sewer system. The billing shall be for the next quarter and shall be due and payable by the 10th of the month following the invoice date, unless specifically stated otherwise on the invoice. Bills for sewer service that are not paid by the due date shall be subject to a five percent (5%) penalty on the unpaid balance each quarter. Each charge levied pursuant to this Resolution is hereby made a lien upon the premises charged therewith, and if the same is not paid within ninety (90) days after it is due and payable, it may be certified to the Auditor of Delaware County, who shall place the same on the tax duplicate, with the interest and penalty allowed by law, and shall be collected as other taxes are collected.

Quarterly sewer service charges as established by the Board are normally billed to the owner of any property connected to a County operated sanitary sewerage system. If the owner of any property elects to have his agent, tenant or lessee pay these charges as they accrue, such agent, tenant or lessee does so as the agent of the owner, and such owner shall be held responsible for unpaid charges.

**COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 9, 2014**

Bills for sewer service charges will be mailed where directed as a matter of convenience to the owner of the property or their agents. Failure to receive bills will not relieve anyone of the responsibility for prompt payment. It is the property owner's obligation to notify the County Sanitary Engineer of any change of or error of address.

Current bills and delinquent bills are certified to the County Auditor for sewer service.

Section 2. Existing Section II, Parts I and II of Sewer Charges are hereby repealed effective May 1, 2014. Amended Section II, Parts I and II shall be effective May 1, 2014. The County Sanitary Engineer shall cause notice to be mailed to all users of the County Sewerage System of this action prior to the effective date.

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

RESOLUTION NO. 14-20

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

The Director of Emergency Communications recommends hiring Michelle Belville as a full-time telecommunicator; effective January 20, 2014;

Therefore Be it Resolved the Board of Commissioners approve the hiring of Michelle Belville as a full-time telecommunicator; effective January 20, 2014.

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

DISCUSSION

APPOINTMENT OF THE BOARD'S REPRESENTATIVE TO VARIOUS BOARDS AND COMMISSIONS

(This Copy Still Has 2013 Appointments Listed) From January 2013 Resolution No. 13-37

Regional Planning - All 3 Commissioners

Regional Planning Executive Committee – Ken O'Brien
Regional Planning Executive Alternate-Gary Merrell

Records Commission –Gary Merrell

Investment Committee – Gary Merrell and Ken O'Brien

JFS Committee on Community Planning-Gary Merrell
Job and Family Services (Children's Services Sub-Committee of Community Planning) – Gary Merrell
Job and Family Services (WIB Sub-Committee of Community Planning) – Dennis Stapleton

Delaware-Knox-Marion-Morrow County WIB- All 3 Commissioners

Area 7 Board- Dennis Stapleton

Family and Children's First Council – Ken O'Brien *(president or an individual designated by the board)*

Central Ohio Youth Center Board (Joint Detention Center) –All 3 Commissioners
Central Ohio Youth Center Board (Joint Detention Center) –Trustee-Ken O'Brien

DKMM Solid Waste District - All 3 Commissioners

DKMM Solid Waste District Executive Committee – Ken O'Brien

DKMM Policy Board –Gary Merrell

DKMM Budget/Audit Committee – Dennis Stapleton

EMA/LEPC – Ken O'Brien

Correction Planning – Dennis Stapleton

CIC (Community Improvement Corporation) - All 3 Commissioners

Threat, Risk, and Needs Committee (TRN) –Ken O'Brien

COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 9, 2014

Data Processing Board – Dennis Stapleton

Heart of Ohio Resource Conservation and Development–Gary Merrell

Railroad Task Force-Dennis Stapleton

CCAO Consortium (CEBCO) –Dennis Stapleton (Alternate-Gary Merrell)
(Should The Assistant County Administrator/ Be Named An Additional Alternate For CEBCO AND CORSA

911 Board-Gary Merrell (Alternate – Ken O’Brien)

The Strand Cultural Arts Board–Gary Merrell

Community Action Organization –Dennis Stapleton *there were questions on this in 2013???*
Should it still be on here??

MORPC-All 3 Commissioners

Board of Revision- Dennis Stapleton

The Board of Commissioners hereby orders that any prior resolutions inconsistent with this Resolution are hereby repealed and superseded in accordance with this Resolution.

RESOLUTION TO DESIGNATE THE OFFICIAL REPRESENTATIVE AND ALTERNATE FOR THE PURPOSE OF VOTING AT THE ANNUAL MEETING OF THE COUNTY COMMISSIONERS ASSOCIATION OF OHIO 2014:

WHEREAS, Article IV, Section 6, of the Code of Regulations of the County Commissioners' Association of Ohio requires each member county to, for the purpose of voting at any annual or special meeting of the Association, designate an Official Representative and Alternate; and

WHEREAS, the designation of the Official Representative and Alternate for a county organized under the statutory form of county government shall be by resolution of the board of county commissioners; and

WHEREAS, in designating the Official Representative and Alternate only a member of the board of county commissioners is eligible to be designated as the Official Representative and Alternate;

NOW THEREFORE BE IT RESOLVED that Dennis Stapleton, Delaware County Commissioner is designated as the Official Voting Representative of Delaware County.

BE IT FURTHER RESOLVED that Gary Merrell, Delaware County Commissioner, is designated as the Alternate Voting Representative of Delaware County.

COMMISSIONERS’ COMMITTEES REPORTS

Commissioner O’Brien
-Attended Family & Children First Council Executive Committee meeting on Wednesday; Help Me Grow cash flow issues, okay with helping ‘fill the gaps’ but not funding deficit issues.

Commissioner Merrell
-Assignment process for filling the MORPC seats

Commissioner Stapleton
-No reports

RESOLUTION NO. 14-21

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 for consideration of pending or imminent litigation at 11:01AM.

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

RESOLUTION NO. 14-22

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Merrell, seconded by Mr. O’Brien to adjourn out of Executive Session at 11:45AM.

COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 9, 2014

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

*Absent due to previous engagement.

There being no further business, the meeting adjourned.

Gary Merrell

Ken O'Brien

Dennis Stapleton

Jennifer Walraven, Clerk to the Commissioners