

MONDAY, APRIL 18, 2016

THE BOARD OF DARKE COUNTY COMMISSIONERS MET IN REGULAR SESSION AT 1:30 P.M. WITH MEMBERS PRESENT: Commissioner Chairman Michael E. Stegall, Vice Chairman Diane L. Delaplane and Member Michael W. Rhoades; Robin Blinn, Administrative Clerk/Secretary; Patty Harter, Asst. Clerk/Secretary; John Cook, Business Administrator; Erik Martin w/Daily Advocate; Susan Hartley w/Earlybird; & Alex Mikos w/TIGER Radio; DC Citizens Fred Dean; Marty Keener and Shawn Crumrine.

Minutes of Wednesday, April 13, 2016: Mrs. Delaplane moved to approve the minutes as read; seconded by Mr. Rhoades and all voted YEA.

IN THE MATTER OF RESOLUTION (R - 88 - 2016) EXAMINATION AND ALLOWANCE OF BILLS

County Bills Approved

It was moved by Mr. Rhoades and seconded by Mrs. Delaplane that the following resolution be adopted

The attached vouchers dated April 13 & 18, 2016 for County Bills, including any "Then & Now" Certificates, in the amount of the General Fund \$ 1,459.56 + \$ 19,105.94; Outside General Funds \$ 329,169.94; for a Grand Total of \$ 349,735.44; are hereby approved for payment.

Michael E. Stegall

Diane L. Delaplane

Michael W. Rhoades
Board of Darke County Commissioners

IN THE MATTER OF FINAL RESOLUTION (R-87-2016) ENACTED BY THE BOARD OF COUNTY COMMISSIONERS, COUNTY OF DARKE, OHIO, FOR PROJECT KNOWN AS BRIDGE OVER SWAMP CREEK ON M650, VERSAILLES, OHIO; AND CONTRACT FOR SAME

Mrs. Delaplane moved to approve the following "Resolution" and "Contract"; motion seconded by Mr. Rhoades and all voted YEA.

WHEREAS, on 13th day of April, 2016, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of the rehabilitation of the bridge over Swamp Creek on M650, lying with Darke County.

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The County agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-Aid CEAO funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation, and further, The County agrees to assume and bear one hundred percent (100%) of the Preliminary Engineering and Right-of-Way excluding in-house preliminary engineering and right of way charges incurred by the State.

The share of the cost of the LPA is now estimated in the amount of One Hundred Thirty Four Thousand Two Hundred and - - - 00/100 Dollars (\$134,200.00) but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

R-87-2016 (CONT.)

NOW, THEREFORE, be it resolved:

- I. That the estimated sum, of One Hundred Thirty Four Thousand Two Hundred and - - - 00/100 Dollars (\$134,200.00) is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.
- II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- III. That the LPA enter into a contract with the State, and that President be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.
- IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the 18th day of April, 2016, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume 52, at Page 137, and under date of April 18, 2016, 2.

Legislative Authority of the Board of County Commissioners County of Darke, Ohio

President [Signature] Clerk (Secretary Ex-Officio) [Signature]

CONTRACT (Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the Board of County Commissioners, County of Darke, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

WITNESSTH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

WHEREAS, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: RECITALS

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: PURPOSE

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

The project consists of the rehabilitation of the bridge over Swamp Creek on M650, lying within Darke County; and

SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount One Hundred Thirty Four Thousand Two Hundred and - - - - 00/100 Dollars (\$134,200.00).
5. The County agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-Aid CEAO funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation, and further, The County agrees to assume and bear one hundred percent (100%) of the Preliminary Engineering and Right-of-Way excluding in-house preliminary engineering and right of way charges incurred by the State.
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.
7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

(SECTION VI THRU XI CAN BE SEEN IN FULL IN THE COUNTY'S 2016 CONTRACT AND/OR ENGINEER'S DEPT. FILE)

SECTION XII: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

LOCAL PUBLIC AGENCY
Board of County Commissioners
County of Darke

President

County Commissioner

Quinn R. DeLoach
County Commissioner

Michael W. ...
County Commissioner

4-18-16
Date

(SIGNATURES CAN BE SEEN WHEN OBTAINED IN THE 2016 CONTRACT AND/OR DARKE CO. ENGINEER'S DEPT. FILE)

IN THE MATTER OF RESOLUTION (R-89-2016) TRANSFER OF APPROPRIATIONS (DARKE CO. COMM.'S/SHERIFF, DC BOARD OF DEVELOPMENTAL DISABILITIES, DC SHERIFF & DC ENGINEER)

WHEREAS, pursuant to R. C. 5705.38-40 and OAG Opinion #94-007; and

WHEREAS, Commissioners are requesting that appropriations, etc. be changed as follows, we therefore

RESOLVE, the following funds be changed as follows,

Appropriation line transfer use only:

FROM:

TO:

DC Comm.'s/Sheriff: to cover costs of February Inmate housing @ Mercer Co; & to cover remaining balance owed on purchase of Sheriff's vehicle

\$ 5,220.00	Other Expenses	#001-1509.538130	Intergovernmental	#001-6010.538040
\$ 11,500.00	Facilities Maint.	#001-1509.536000	Vehicles + \$5000.	#001-1509.553010

DC BDD: Transfer needed to cover full encumbrances of all contracts

\$ 15,000.00	Unanticipated	#148-4240.572040	Personal Svcs Contracts	#148-4240.533050
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DC Sheriff: Appropriation needed for uniforms

\$ 200.00	Dist. To State	#160-6015.572020	Uniforms	#160-6015.521000
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DC Engineer: to cover costs of tractors & dump truck

\$ 200,000.00	Mach/Equip. + \$5	#137-3110.553020	Vehicle	#137-3110.553010
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Mr. Rhodes moved; and Mrs. Delaplane seconded the resolution and all voted as follows:

Robin R. Blinn
Robin R. Blinn
Administrative Clerk/Secretary

Michael W. Wood (YEA)
Quinn R. Delaplane (YEA)
Michael W. Wood (YEA)
Board of Darke County Commissioners

IN THE MATTER OF RESOLUTION (R-90-2016) FUND TRANSFER (DARKE CO. ENGINEER)

WHEREAS, Commissioners are requesting that the following "Fund Transfer" be completed: "County's share for 'Center St. Project - 650' w/ODOT"; and

WE DO HEREBY RESOLVE, the following "Fund Transfer" be approved as follows:

<u>\$ 134,200.00</u>	Transfer Out	#139-3101.591000	Transfer In	#420-3112.434051
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Mrs. Delaplane moved; and Mr. Rhodes seconded the resolution and all voted as follows:

Robin Blinn
Administrative Clerk/Secretary
April 18, 2016

Michael W. Wood (YEA)
Quinn R. Delaplane (YEA)
Michael W. Wood (YEA)
Board of Darke County Commissioners

IN THE MATTER OF RESOLUTION (R-91-2016) FUND TRANSFER (SUPPORT-JFS/CHILDREN SERVICES FOR APRIL 2016)

WHEREAS, the Board of Darke County Commissioners met in "Regular Session" on December 30, 2015, and signed Resolution (R-339-2015), for approval of the 2016 Annual Appropriations; and

WHEREAS, per the Budget's Estimated Receipts and Appropriations; we therefore

RESOLVE, the following transfer needs to be made:

C-5-2016 (CONT.)

Article 4. CONTRACTOR'S REPRESENTATIONS

In order to induce Owner to enter into this agreement, Contractor makes the following representations:

4.1 Contractor has familiarized itself with the nature and extent of the contract documents, work, site, locality and all local conditions and laws and regulations that in any manner may affect cost, progress, performance or furnishing of the work.

4.2 Contractor has obtained and carefully studied (or assumes responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests, reports and studies which pertain to the subsurface or physical conditions at or contiguous to the site or otherwise may affect the cost, progress, performance or furnishing of the work as Contractor considers necessary for the performance or furnishing of the work at the contract price, within the contract time and in accordance with the other terms and conditions of contract document.

Article 5. CONTRACT DOCUMENTS

The contract documents which comprise the entire agreement between Owner and Contractor concerning the work consist of the following:

- 5.1 This Agreement.
5.2 Addenda and exhibits to this Agreement.
5.3 Contractor's performance and other bonds.
5.4 Invitation and instructions to bidders.
5.5 Contractor's bid.
5.6 Notice of award.
5.7 General conditions (pages GC-1 to GC-7 inclusive).
5.8 Supplemental General Conditions (pages SGC-1 and SGC-2).
5.9 Technical specifications, drawings and plans as enumerated in the Supplemental General Conditions.
5.10 Prevailing wage rates.
5.11 Certificate of Owner's fiscal officer.
5.12 Certificate of Owner's Attorney.
5.13 Others (identify):

Article 6. MISCELLANEOUS

- 6.1 No assignment by a party hereto of any rights under or interests in the contract documents will be binding on another party hereto without the written consent of the party sought to be bound and specifically but without limitation moneys that may become due and moneys that are due may not be assigned without such consent(except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the contract documents.
6.2 Owner and Contractor each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect of all covenants, agreements and obligations contained in the contract documents.

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement in duplicate. One counterpart each has been delivered to Owner and Contractor.

OWNER

CONTRACTOR

BOARD OF COUNTY COMMISSIONERS
DARKE COUNTY, OHIO

Walls Bros. Asphalt Co.
3690 Hollansburg - Sampson Rd.
Greenville, OH 45331

[Signature]

by Perry Walls

Diane L. Delaplane

Title: President

[Signature]

Address for giving notices:
same as above

Address for giving notices:
520 S. Broadway
Greenville, Ohio 45331

(ENTIRE CONTRACT (C-5-2016) CAN BE SEEN IN FULL IN THE COMMISSIONER'S 2016 CONTRACT FILE AND/OR BID PACKET/FILE)

IN THE MATTER OF AUTHORIZATION OF MEETING EXPENSES (DARKE Co. JUVENILE/PROBATE COURT & PLANNING/ZONING)

Mr. Rhoades moved to approve the following requests; motion seconded by Mrs. Delaplane and all voted YEA.

#001-2300.532000 (RECOMMENDED)
Attending: OH Second District Court of Appeals/May 20, 2016/Dayton, OH/Judge Jason Aslinger
Registration: \$50.00/Estimated total for meeting: \$50.00

#001-1000.532000 (RECOMMENDED)
Attending: OH Twp. Assoc. mtg./April 22, 2016/Blacklick, OH/Curtis Yount
Transportation: \$84.00/Registration: \$30.00/Estimated total for meeting: \$114.00

IN THE MATTER OF STANDARDS FOR OPERATIONS AT THE DARKE COUNTY AIRPORT AS OF APRIL 18, 2016

Mrs. Delaplane moved to approve the signing of the "Standards for Operations" at the Darke Co. Airport; motion seconded by Mr. Rhoades and all voted YEA.

PURPOSE: To establish standards and procedures to govern aeronautical activities at the Darke County Airport.

POLICY: Fair and reasonable opportunity, without discrimination, shall be accorded to all entities and individuals to qualify or otherwise compete for available facilities and to establish general aviation operations within the jurisdiction of the Airport Owner, subject to the adopted Standards for Operations and Requirements. Operators are encouraged to exceed these Standards for Operations; only in extreme cases, and with prior written approval of the Airport Owner, will businesses be allowed to operate under conditions below the minimums.

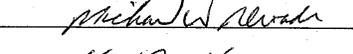
SECTION I

Implementation and Applications

- a. These standards shall effect and be incorporated by reference into future Operator's leases.
- b. Any applicant wishing to establish an aeronautical activity shall be furnished a copy of these Standards for Operations, as amended, and shall make application in writing to the Airport Manager, or any duly appointed person exercising these functions. The application shall set forth in detail the following:
 - 1. the name, address and telephone number of the applicant and proposed name of the operation;
 - 2. the proposed land use, facility and/or activities sought, including location and size of lease area and buildings;
 - 3. the names and qualifications of the personnel to be involved in conducting such activity and number of people to be employed;
 - 4. the financial responsibility and technical ability of the applicant and Operator to carry out the activity sought;
 - 5. the tools, equipment, services, and inventory, if any, proposed to be furnished and/or utilized;
 - 6. the estimate of costs for any development and improvements;
 - 7. applicant's schedule for operation and construction (if appropriate);
 - 8. the number and type of aircraft to be provided;
 - 9. the hours of proposed operation; and
 - 10. the insurance coverage to be maintained.

(Pages 3 thru 15 can be seen in full in the Airport & Commissioner's Dept. Files)

These standards are hereby approved and accepted on this the 18th day of April, 2016 by the Darke County Commissioners in accordance with Resolution No. passed on this date. The Darke County Commissioners shall reserve the right to modify or alter these standards from time to time.

By: 
By: 
By: 
Date: 4-18-16

IN THE MATTER OF PAY INS

Pay In#085077	Received of Commissioners	Co. Health Ins.-Employer share	\$252,532.80
Pay In#085131	Received of Commissioners	Co. Airport – Hangar rent	\$185.00
Pay In#085151	Received of Solid Waste	Tipping Fees – Preble Co. Auditor for March	\$3.28

IN THE MATTER OF PUBLIC ATTENDEES COMMENTS/QUESTIONS

**Shawn Crumrine, DC Citizen: Spoke to the Board regarding an incident that happened recently involving his son getting attacked by a pitbull in the City of Greenville, Penn St. He would like to see the City and the County both to pass legislation regarding a new law that he would like to see happen regarding the taking and holding vicious dogs after attacks. The Commissioners thanked him for coming in and voicing his concerns, along with Grandmother Marty Keener.

MR. RHOADES MOVED TO ADJOURN; SECONDED BY MRS. DELAPLANE AND ALL VOTED YEA. THE MEETING WAS ADJOURNED AT 1:48 P.M.

MICHAEL E. STEGALL

ROBIN R. BLINN, ADMINISTRATIVE CLERK/SECY.

DIANE L. DELAPLANE

PATRICIA S. HARTER, ASSISTANT CLERK/SECY.

MICHAEL W. RHOADES,
BOARD OF DARKE CO. COMMISSIONERS

IN THE MATTER OF FURTHER DISCUSSION BY THE BOARD

**All Commissioners and Admin. Clerk/Secy. Robin Blinn met with Co. Treasurer Scott Zumbrink for the 2nd quarterly Investment Advisory mtg.

**All Commissioners met with Keith Blosser of the County Commissioner's Assoc. RE: Updates the county has made and is planning on making to conserve energy.