

MONDAY, SEPTEMBER 21, 2015

THE BOARD OF DARKE COUNTY COMMISSIONERS MET IN REGULAR SESSION AT 1:30 P.M. WITH MEMBERS PRESENT: Commissioner Chairman Michael W. Rhoades, Vice Chairman Michael E. Stegall and Member Diane L. Delaplane; Robin Blinn, Administrative Clerk/Secretary; Erik Martin w/Daily Advocate; and Alex Mikos w/TIGER Radio.

ABSENT: Patty Harter, Asst. Clerk/Secretary - Vacation

MINUTES OF WEDNESDAY, SEPTEMBER 9, 2015: Mrs. Delaplane moved to remove the minutes of Wednesday, September 9, 2015, from the table; motion seconded by Mr. Rhoades and both voted YEA. After the Clerk read the minutes of Sept. 9, 2015; Mrs. Delaplane moved to approve; motion seconded by Mr. Stegall and both voted YEA.

Mrs. Delaplane moved to approve the reading of the minutes of Wednesday, September 16, 2015; motion seconded by Mr. Rhoades and both voted YEA.

IN THE MATTER OF RESOLUTION (R-229-2015) EXAMINATION AND ALLOWANCE OF BILLS

County Bills Approved

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

The attached vouchers dated September 21, 2015 for County Bills, including any "Then & Now" Certificates, in the amount of the General Fund \$ 1,242.14 + \$ 96,146.32; Outside General Funds \$ 13,767.22; for a Grand Total of \$ 111,155.68; are hereby approved for payment.

Michael W. Rhoades

Michael E. Stegall

Diane L. Delaplane
Board of Darke County Commissioners

IN THE MATTER OF RESOLUTION (R-230-2015) TRANSFER OF APPROPRIATIONS (VARIOUS)

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 Adult Probation: Needing more money in the line

\$ 120.00	Vehicle Maint.	#001-2110.536020	Gasoline	#001-2110.522000
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DC Comm.'s/Perm. Imp.: Purchase of a new door control system @ Jail

\$ 26,613.00	Bldg./Const./Imp.	#300-1063.551020	M/Eq. + \$5000.	#300-1063.553020
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DC Coroner: to cover transports

\$ 400.00	Mach/Equip. - \$5000.	#001-2500.520160	Purchase Services	#001-2500.533060
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DC MRTC: to cover reimb. for C. Kelly's CPR, AED & First Aid training

\$ 58.25	Vehicle Maint. & Rep.	#119-2240.536020	Training & Education	#119-2240.532010
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DC Board of Developmental Disabilities: Transfer needed to cover part-time salary costs for remainder of year

\$ 3,000.00	Salary full-time	#148-4240.510020	Salary part-time	#148-4240.510030
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DC Board of Elections: Insufficient Funds

\$ 1,000.00	Mach/Equip Rep-Maint	#001-1040.536010	Mach/Equip. - \$5000.00	#001-1040.520160
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DC Juvenile Court: Moving approp. to cover expenses

\$ 1,000.00	Other Operating	#311-2305.538130	Trv/Ldg/Meals	#311-2305.532000
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DC MRTC: to cover unemployment for M. Earwood

\$ 3,700.00	Other Operating	#119-2240.538130	Unemployment	#119-2240.511070
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Mrs. Delaplaine moved; and Mr. Stegall seconded the resolution and all voted as follows:

Michael W. Rhoades (YEA)
Michael E. Stegall (YEA)
Diane L. Delaplaine (YEA)
Board of Darke County Commissioners

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

IN THE MATTER OF RESOLUTION (R-231-2015) APPROVING SUBMITTED PROPOSAL BY THE DARKE COUNTY RECORDER FOR FUNDING THE ACQUISITION, MAINTENANCE OF MICROGRAPHIC OR OTHER EQUIPMENT, AND CONTRACT SERVICES FOR TWELVE (12) MONTHS BEGINNING JANUARY 2016

The Board of County Commissioners of Darke County, Ohio, met in regular session on the 21st day of September, 2015, with the following members present: Michael W. Rhoades, Michael E. Stegall and Diane L. Delaplaine.

Commissioner Stegall moved for the adoption of the following resolution:

WHEREAS, the Darke County Recorder, Linda Stachler, submitted a proposal for funding for the acquisition, maintenance of micrographic or other equipment and for contract services.

WHEREAS, the request was for \$7.00 to be placed in the county treasury to the credit of the county recorder's technology fund, for a period of 12 months beginning January 1, 2016.

WHEREAS, this increase is only effective for one year and will revert to the previous amount of \$4.00 on January 1, 2017, unless further requests are made by the recorder as provided in O.R.C section 317.321.

WHEREAS, the Board of County Commissioners received the proposal on August 6, 2015, entered it into the journal and met with the Recorder to review the proposal, pursuant to Revised Code section 317.321.

WHEREAS, pursuant to Ohio Revised Code Section 317.321, the Board finds said request to be reasonable and moves to approve the proposal; now, therefore, be it

RESOLVED, that the County Recorder's request is approved and that the County Recorder and County Auditor be notified that the Board approved said request that \$7.00 be placed in the county treasury to the credit of the county recorder's technology fund. This amount shall include the \$4.00 previously allocated, and the additional \$3.00 to be taken from the total base fees collected for filing or recording of each document, pursuant to section 317.32, 1309.525 or 5310.15 of the Revised Code, be placed in the county treasury to the credit of the county recorder's technology fund, for a period of 12 months beginning January 1, 2016; and be it further

RESOLVED, that the County Auditor place \$7.00 in the county treasury to the credit of the county recorder's technology fund. This amount shall include the \$4.00 previously allocated, and an additional \$3.00 to be taken from the total base fee collected for filing or recording of each document, pursuant to section 317.32, 1309.525 or 5310.15 of the Revised Code into the county treasury to the credit of the county recorder's technology fund for a period of 12 months, beginning January 1, 2016, to be used for the acquisition and maintenance of micrographic or other equipment and for contract services.

Commissioner Delaplaine seconded the resolution and the roll being called upon the adoption, the vote resulted as follows:

COMMISSIONER	VOTE
Michael W. Rhoades	<u>YEA</u>
Michael E. Stegall	<u>YEA</u>
Diane L. Delaplaine	<u>yea.</u>

Resolution adopted this 21st day of September, 2015.

Attest: Robin R. Blinn
Clerk
Michael W. Rhoades
President

IN THE MATTER OF AMENDMENT TO CONTRACT FOR PROFESSIONAL SERVICES BY AND BETWEEN DARKE COUNTY BOARD OF COMMISSIONERS AND BOLLINGER ENTERPRISES FOR PY 2014 COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP)

Mrs. Delaplane moved to approve the signing of the following 'Amendment'; motion seconded by Mr. Stegall and all voted YEA.

WHEREAS, the County has, under the date of **January 20, 2015**, entered into Grant Agreements with the State of Ohio, Ohio Development Services Agency, providing for financial aid to the County pursuant to the provisions of the Housing and Community Development Act of 1974 (CDBG funds), as amended to date, and the Cranston-Gonzalez National Affordable Housing Act of 1990 (HOME funds), as amended to date; and

WHEREAS, the County has, under the date of **February 27, 2015**, entered into an Contract with the Construction Specialist for implementations services in connection with the County's PY 2014 CHIP Program project activities known as Home/Building Repair and Private Owner Rehabilitation as shown in the County's CHIP Program Application dated June 2014, and the above-mentioned Grant Agreements #B-C-14-1AR-1 and #B-C-14-1AR-2 with the State of Ohio, Ohio Development Services Agency; and

WHEREAS, the County has, under the date of **August 18, 2015**, amended its Grant Agreements with the State of Ohio, Ohio Development Services Agency, providing for additional financial aid to the pursuant to the provisions of the Housing and Community Development Act of 1974 (CDBG funds), as amended to date, and the Cranston-Gonzalez National Affordable Housing Act of 1990 (HOME funds), as amended to date; and

WHEREAS, pursuant to Section III of the Contract between the County and the Construction Specialist, the County is hereby notifying the Construction Specialist that the County has received an additional \$120,000 in Home/Building Repair funding and \$126,000 in Private Owner Rehabilitation funding to enable the County to undertake additional home repairs and private owner rehabilitations.

NOW THEREFORE, the above-mentioned parties in consideration for mutual promises and agreements do hereby agree as follows:

1. That the original Contract by and between the County and the Construction Specialist dated February 27, 2015 is hereby amended as follows:
 - a. Page 3, Section III, Cost and Method of Compensation, paragraph one is amended to read, "Maximum compensation under this Contract shall be **Sixty Five Thousand Dollars and No Cents (\$65,000.00)**. If at any time the Construction Specialist has reason to believe that performance of this Contract will exceed the estimated compensation, the Construction Specialist shall notify the County in writing to that effect. The County shall not be obligated to reimburse the Construction Specialist for compensation in excess of **Sixty Five Thousand Dollars and No Cents (\$65,000.00)**, and the Construction Specialist shall not be obligated to continue performance under this Agreement unless the maximum compensation is increased by a negotiated amendment."
 - b. Page 3, Section III, Cost and Method of Compensation, paragraph three, under 1. Home Repair, is amended to read, "Maximum compensation per each completed Home Repair project shall be **Two Thousand Dollars and No Cents (\$2,000.00)**, notwithstanding a negotiated amendment for XRF testing expenses. A maximum of **nineteen (19)** Home Repair projects shall be completed under this Contract. Maximum compensation for this activity shall be **Thirty Eight Thousand Dollars and No Cents (\$38,000.00)**. The County reserves the right to undertake less than nineteen (19) Home Repair projects."
 - c. Page 3, Section III, Cost and Method of Compensation, paragraph six, under 2. Private Owner Rehabilitation, is amended to read, "Maximum compensation per each completed Private Owner Rehabilitation project shall be **Four Thousand Dollars and No Cents (\$4,000.00)**, notwithstanding a negotiated amendment for XRF testing expenses. A maximum of **six (6)** Private Owner Rehabilitation projects shall be completed under this Contract. Maximum compensation for this activity shall be **Twenty Four Thousand Dollars and No Cents (\$24,000.00)**. The County reserves the right to undertake less than six (6) Private Owner Rehabilitation projects."
 - d. Page 4, Section III, Cost and Method of Compensation, paragraph two, under 3. Miscellaneous Services, is amended to read, "The Construction Specialist's Miscellaneous Services costs under this Contract will be computed and invoiced at **Sixty Dollars (\$60.00) per hour**. Such costs shall include, but not be limited to, walkaway costs under the Home Repair and Private Owner Rehabilitation activities for projects not undertaken above in Section 1 and 2 of this part, post construction/warranty inspections and services, etc. Maximum compensation for this activity shall be **Three Thousand Dollars and No Cents (\$3,000.00)**. The County reserves the right to not undertake Miscellaneous Services."
2. All other provisions of the original Contract of February 27, 2015 shall remain in full force and effect.

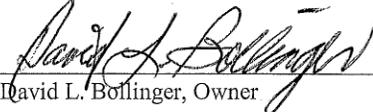
(PLEASE NOTE: ORIGINAL CONTRACT WAS NOT PRESENTED TO THE CLERK FOR PRESENTATION AT THE NEXT COMMISSIONER'S REGULAR SESSION TO SIGN (WAS SIGNED AFTER PRESENTED BY GRANTS DEPARTMENT ON 2/27/15))

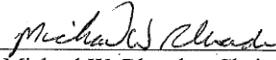
THIS AMENDMENT TO AGREEMENT is authorized by appropriate action of the Darke County Board of Commissioners as approved on Monday, September 21, 2015.

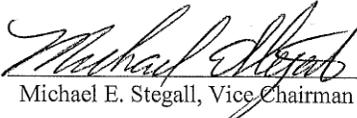
IN WITNESS WHEREOF, the Parties have executed this Amendment to Contract on the date as shown on Page 1 of the foregoing.

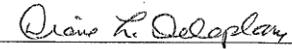
BOLLINGER ENTERPRISES
(Construction Specialist)
(County)

DARKE COUNTY BOARD OF COMMISSIONERS


David L. Bollinger, Owner


Michael W. Rhoades, Chairman


Michael E. Stegall, Vice Chairman


Diane L. Delaplaine, Commissioner

APPROVED AS TO FORM:


Margaret Be
Asst. Road Atty

IN THE MATTER OF SIGNING OF CONTRACT FOR DARKE COUNTY HOUSEHOLD HAZARDOUS WASTE DISPOSAL/COLLECTION TO BE HELD ON SATURDAY, OCTOBER 10, 2015, AT THE DARKE COUNTY FAIRGROUNDS

Mr. Stegall moved to approve the following contract signing (quote was approved by Commission Board on Monday, March 2, 2015); motion was seconded by Mrs. Delaplaine and all voted YEA.

THIS AGREEMENT, made on the 9/21/15 day of September, 2015 by and between the Board of County Commissioners, Darke County, Ohio, 520 S Broadway, Greenville Ohio 45331, herein called the **OWNER** and Environmental Enterprises, Inc., 4650 Spring Grove Avenue, Cincinnati OH 45232, herein after called the **CONTRACTOR**, is for furnishing all labor, equipment and expenses required for household hazardous waste disposal. NOW, THEREFORE, THE OWNER and CONTRACTOR for the consideration hereinafter set forth, agree as follows:

The CONTRACTOR agrees to perform and complete in a workmanlike manner all work required for this project, in strict compliance with the Quote Manual, which is hereby made a part of this Agreement.

The CONTRACTOR agrees to complete in a workmanlike manner all attached amendments to the request for quotes as listed in the attached document, which is hereby made a part of this Agreement.

Notwithstanding anything to the contrary herein, CONTRACTOR shall not be required to indemnify OWNER to the extent any loss or damage that is caused by OWNER'S negligence or unlawful misconduct.

THE OWNER agrees to pay and the CONTRACTOR agrees to accept, in full payment for the performance of this Contract, the Contract price as listed and which is made a part of this agreement and

Payment amount depends solely on the participation rate of residents

for household hazardous waste disposal from Darke County residents. This waste will be properly disposed depending on the material. OWNER shall pay CONTRACTOR'S invoice within thirty (30) days of receipt.

IN WITNESS WHEREOF, the parties have duly executed this agreement in duplicate originals and the date and year first above written:

CONTRACT (CONT.)

Environmental Enterprises, Inc.

Darke County Board of Commissioners

By: Brian J. DePeel
Brian J. DePeel - Director - LAB Pack Services

By: Michael W. Rhoades
Michael W. Rhoades, Chairman

Date Signed: September 14, 2015

By: Michael E. Stegall
Michael E. Stegall, Vice Chairman

Approved as to form:

By: Diane L. Delaplane
Diane L. Delaplane, Member

Margaret B. Hayes
Margaret B. Hayes, Assistant Prosecuting Atty.
Darke County Prosecutor's Office

Date Signed: Monday, Sept. 21, 2015

IN THE MATTER OF RESOLUTION (R-232-2015) FUND TRANSFER FOR DARKE COUNTY HOME SUPPORT (JULY & AUGUST 2015)

WHEREAS, the Board of Darke County Commissioners met in "Regular Session" on December 31, 2014, and signed Resolution (R-323-2014), for approval of the 2015 Annual Appropriations; and

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

RESOLVE, the following transfer needs to be made:

Monthly Support (July & August 2015)

\$ 68,392.84

Transfer Out #001-8070.591027

Transfer In #146-4300.491000

Mrs. Delaplane moved the resolution; Mr. Stegall seconded the resolution and all voted as follows:

Michael W. Rhoades (YEA)
Michael E. Stegall (YEA)
Diane L. Delaplane (YEA)
BOARD OF DARKE CO. COMMISSIONERS

Robin Blinn
Robin Blinn,
Administrative Clerk/Secretary

IN THE MATTER OF RESOLUTION (R-233-2015) APPROVING THE TENTATIVE AGREEMENT WITH THE FRATERNAL ORDER OF POLICE OHIO LABOR COUNCIL, INC. EMPLOYEE ORGANIZATION, AND THE DARKE COUNTY SHERIFF EMPLOYER, FOR CASE NOS. 2015-MED-05-0529 (LIEUTENANTS & SERGEANTS) AND CASE NOS. 2015-MED-05-0530 (DEPUTIES)

WHEREAS, the Board of Darke County Commissioners entered into negotiations with the Fraternal Order of Police Ohio Labor Council, Inc., to negotiate an agreement for the Darke County Sheriff, Lieutenants & Sergeants, and Deputies thereof; and

WHEREAS, the Board of Commissioners acknowledge the tentative agreement seems to be fair; we do hereby

RESOLVE, the Board of Darke County Commissioners approves said tentative agreement with the FRATERNAL ORDER OF POLICE OHIO LABOR COUNCIL, INC. and authorizes the board members to sign said agreement.

Mr. Stegall moved to pass the above resolution; seconded by Mrs. Delaplane and all voted YEA.

Robin Blinn
Robin Blinn,
Administrative Clerk/Secretary

Michael W. Rhoades
Michael W. Rhoades
Michael E. Stegall
Michael E. Stegall
Diane L. Delaplane
Diane L. Delaplane,
DARKE COUNTY BOARD
OF COMMISSIONERS

IN THE MATTER OF AUTHORIZATION OF MEETING EXPENSES (

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

#311-2305.532000 (RECOMMENDED)

Attending: OH Assoc. of Probate Judges/Clerks Training /October 18-19, 2015/Columbus, OH/Claudia Shepherd & Elizabeth Lewis
Transportation: \$110.00/Parking: \$15.00/Lodging: \$125.00 x 2/Meals: \$35.00 x 2/Registration: \$125.00 x 2/Est. Total for mtg.: \$695.00

IN THE MATTER OF PAY INS

Pay In#081589	Received of Commissioners	Co. Airport – hangar rent – Siegel June, July & Aug. '15	\$210.00
Pay In#081595	Received of Commissioners	Co. Airport – Airport/Airplane Fuel	\$1,344.98
Pay In#081636	Received of Solid Waste	Tipping Fees-Republic Svc. for August	\$229.32
Pay In#081637	Received of Solid Waste	Tipping Fees-Best Way for August	\$981.18
Pay In#081647	Received of Commissioners	Co. Airport – hangar rent – October for Ryan	\$85.00

IN THE MATTER OF PUBLIC ATTENDEES COMMENTS/QUESTIONS

**Erik Martin w/Daily Advocate: Had a question regarding the 'Tentative Agreement' that was passed by R-233-2015, mainly at this time wanted to know how long their Union Contract is for, once everything is agreed upon? The Commissioners advised that the Contract will be for three (3) years.

MR. STEGALL MOVED TO ADJOURN; SECONDED BY MRS. DELAPLANE AND ALL VOTED YEA. THE MEETING WAS ADJOURNED AT 1:46 P.M.

ROBIN R. BLINN, ADMINISTRATIVE CLERK/SECY.

ABSENT

PATRICIA S. HARTER, ASSISTANT CLERK/SECY.

MICHAEL W. RHOADES

MICHAEL E. STEGALL

DIANE L. DELAPLANE,
DARKE COUNTY BOARD
OF COMMISSIONERS

IN THE MATTER OF FURTHER DISCUSSION BY THE BOARD

**Commissioner Rhoades attended a 'Board of Revision' meeting at the Co. Auditor's Office.

**County Auditor Carol Ginn met with all Commissioners regarding finances for the South Farm Industrial Way Project.

**All Commissioners & Business Administrator John Cook met with Brett Geary of Clemans Nelson regarding union contract negotiations for the Darke County Sheriff's Lieutenants & Sergeants and Deputies.