

THE BOARD OF DARKE COUNTY COMMISSIONERS MET IN REGULAR SESSION AT 1:30 P.M. WITH MEMBERS PRESENT: Commissioners Michael E. Stegall, Diane L. Delaplane, Michael W. Rhoades; Robin Blinn, Administrative Clerk/Secy.; Patty Harter, Asst. Clerk/Secretary; Jeff Marshall, Community Development/Grants Coordinator; Mindy Saylor, Darke Co. EMA/LEPC Director; Alex Mikos w/TIGER Radio; and Bob Robinson w/Early Bird & Co. News Online. Executive Session attendees: Commissioner Stegall, Delaplane & Rhoades; CDGC Jeff Marshall; Business Administrator John Cook-arrived late; and Midmark employees Todd Dammeyer & Dana Morgan.

Mr. Rhoades moved to approve the minutes of Monday, September 16, 2013, as read; motion seconded by Mrs. Delaplane and all voted YEA.

IN THE MATTER OF RESOLUTION (R-196-2013) EXAMINATION AND ALLOWANCE OF BILLS

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

The attached vouchers dated Sept. 18, 2013 for County Bills, including any "Then & Now" Certificates, in the amount of the General Fund \$33,343.00; Outside General Funds \$67,730.95; for a Grand Total of \$101,073.95, are hereby approved for payment.







Board of Darke County Commissioners

IN THE MATTER OF AGREEMENT BETWEEN THE DARKE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE AND DARKE COUNTY OFFICE OF HOMELAND SECURITY & EMERGENCY MANAGEMENT

The Board of Commissioners was addressed by Director of the DC EMA/LEPC Dept. Mindy Saylor explaining the Agreement and stated that the 'Agreement' is signed after the Grant money is received; hence making the Agreement effective January 1 thru December 31, 2013, for a total sum of \$4,000.00. After the presentation by Director Ms. Saylor; Mr. Rhoades moved to approve the signing of the following Agreement; motion seconded by Mrs. Delaplane and all voted YEA.

Whereas the LEPC is established and operates pursuant to Ohio Revised Code Section 3750.01 et seq.; and

Whereas the DC H/S & EM is established and operates pursuant to Ohio Revised code Section 5502.271; and

Whereas the LEPC desires to contract with EMA pursuant to Ohio Revised Code Section 3750.03 (E) (4) for the provision of certain services;

Wherefore pursuant to the parties hereto have agreed as follows:

1. The term of this Agreement shall be for one year ~~(January 1, 2013 - December 31, 2013)~~ and shall continue in full force and effect until it is terminated, superseded or rescinded by the parties, in writing, who are the signatories hereto;
2. EMA will provide to LEPC the following services:
 - A. Prepare LEPC minutes, announcements and mailings.
 - B. Coordination of agencies for emergency response.
 - C. Storage of information for LEPC.
 - D. Prepare and send budget reports to State of Ohio.
 - E. Process requests for Public Right-to-Know Act
 - F. Provide LEPC space on DC H/S & EM's web-site
3. In additions to service provided in paragraph 2 above, it is agreed that EMA will provide to LEPC office space, postage, copies and paper.

4. LEPC shall share in the expense with EMA for computers, and all funds for equipment not used for the training of personnel for performance of the above tasks, as well as other tasks performed by EMA under the Ohio Revised Code.
5. In addition to those items provided by LEPC to EMA, which are set forth in paragraph 4 above, the LEPC agrees to pay DC H/S & EM the sum of ~~\$2,000.00~~, for the services provided pursuant to this agreement payable after the receipt of funds from the SERC Grant.
6. The services provided under this Agreement should not be deemed to be an exclusive list of services which may be provided from time to time by DC H/S & EM to LEPC. However additional services to be provided on a regular basis shall be agreed upon, in writing, by the parties and attached to this Agreement.
7. This Agreement shall not be assigned by either party without the prior written consent of the other party.
8. In the event that any provision of this Agreement shall be declared by a court of competent jurisdiction to be invalid, unenforceable, or unconstitutional, the remaining provisions herei shall remain in full force and effect.

Mindy Saylor
Mindy Saylor - Darke County H/S & EM Director

9/17/13
Date

Michael Rhoades
Michael Rhoades - Darke County LEPC Chairman

9-17-13
Date

Roger M. Van Frank
Roger Van Frank - Darke County LEPC Vice President

9-17-13
Date

James Schaar
James Schaar - Darke County LEPC Secretary

9-17-13
Date

Mark A. Wolf
Mark Wolf - Darke County LEPC Treasurer

9/17/13
Date

Diane L. Delaplane
Diane Delaplane - Darke County Commissioner

9-18-2013
Date

Michael Rhoades
Michael Rhoades - Darke County Commissioner

9-18-13
Date

Michael Stegall
Michael Stegall - Darke County Commissioner

9/18/13
Date

IN THE MATTER OF MOTIONS FOR APPROVING AND SIGNING THE COUNTY AIRPORT IMPROVEMENT PROGRAM GRANTS 'Terms and Conditions'

After explanation by Community Development/Grants Coordinator Jeff Marshall regarding the various plans for the Darke County Airport further future development etc.; Mrs. Delaplane moved to approve the signing of the following Agreement; motion was seconded by Mr. Rhoades and all voted YEA.

This document contains the terms and conditions of accepting Airport Improvement Program (AIP) grants from the Federal Aviation Administration (FAA) for the purpose of carrying out the provisions of Title 49, United States Code. These terms and conditions become applicable when the sponsor accepts a Grant Offer from the FAA that references this document. The terms and conditions may be unilaterally amended by the FAA, by notification in writing, and such amendment will only apply to grants accepted after notification.

I. Certifications

Section 47105(d), Title 49 of the United States Code authorizes the Secretary to require certification from sponsors that they will comply with statutory and administrative requirements. The following list of certified items includes major requirements for this aspect of project implementation. However, the list is not comprehensive, nor does it relieve sponsors from fully complying with all applicable statutory and administrative standards. In accepting a grant, the sponsor certifies that each of the following items will be complied with in the performance of grant agreements. If a certification cannot be met for a specific project, the sponsor must fully explain in an attachment to the project application.

Terms & Conditions (cont.)

A. Sponsor Certification for Selection of Consultants

General procurement standards for consultant services within Federal grant programs are described in 49 CFR 18.36. Sponsors may use other qualifications-based procedures provided they are equivalent to specific standards in 49 CFR 18 and Advisory Circular 150/5100-14.

1. All advertisements will be placed to ensure fair and open competition from a wide area of interest.
2. For any and all contracts over \$25,000, consultants will be selected using competitive procedures based on qualifications, experience, and disadvantaged business enterprise requirements with the fee determined through negotiation.
3. An independent cost analysis will be performed, and a record of negotiations will be prepared reflecting the considerations involved in the establishment of fees for all engineering contracts with basic service fees exceeding \$100,000.
4. If any services are to be performed by sponsor force account personnel prior approval must be obtained from FAA.
5. All consultant services contracts will clearly establish the scope of work and delineate the division of responsibilities between all parties engaged in carrying out elements of the project.
6. All costs associated with work ineligible for AIP funding will be clearly identified and separated from eligible items.
7. All mandatory contract provisions for grant-assisted contracts will be included in all consultant services contracts.
8. If any contract is awarded without competition, pre-award review and approval will be obtained from FAA.
9. Cost-plus-percentage-of-cost methods of contracting prohibited under Federal standards will not be used.
10. If services being procured cover more than a single grant project the scope of work will be specifically described in the advertisement, and future work will not be initiated beyond five years.

B. Sponsor Certification for Project Plans and Specifications

General AIP standards are described in Advisory Circulars 150/5100-6, 150/5100-15, and 150/5100-16. A list of current advisory circulars with specific standards for design or construction of airports and procurement or installation of airport equipment and facilities is referenced in Section III.C.24.

1. All plans and specifications will be developed in accordance with all current applicable Federal standards and requirements, or state standard specifications developed under a Federal grant, and no deviation from or modification to standards set forth in the advisory circulars will be allowed without prior approval of the FAA.
2. All equipment specifications will rely on the national standards as contained in the Advisory Circulars, without deviations, to the maximum extent possible. Specifications for the procurement of equipment for which there is no Federal specification or standard, will not be proprietary nor written to restrict competition. If there is no national standard, or if the national standard provides for a choice to be made, at least two manufacturers will assure that they can meet the specification. A deviation from the national standard will require FAA approval of the design standard modification.
3. All development to be included in any plans is depicted on an Airport Layout Plan approved by FAA.
4. All development which is ineligible for AIP funding will either be omitted from the plans and specifications or costs associated with ineligible or AIP non-participating items will be separated and noted as non-AIP work and deducted from AIP project reimbursement requests.
5. Process control and acceptance tests required for any and all projects by standards contained in Advisory Circular 150/5370-10 will be included in the project specifications.

(Remainder of Section I / Item B 6 thru Item G 2 can be seen in full in the 2013 Contract File)

Place of Performance (street address, city, county, state, zip code)

Darke County Airport

State Route 121

Versailles, OH 45380

V. Sponsor Acceptance of Terms and Conditions

I certify that, for any and all projects with federal participation to be undertaken by the Sponsor, the Sponsor agrees to accomplish the projects within the terms and conditions contained herein.

Darke County Board of Commissioners

<u>Michael E. Stegall</u> Name of Sponsor Michael E. Stegall	<u>Diane L. Delaplane</u> Diane L. Delaplane	<u>Michael W. Rhoades</u> Michael W. Rhoades
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Signature Sponsor's Designated Official Representative

Chairman	Vice Chairman	Commissioner
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Title

September 18, 2013

Dated

IN THE MATTER OF MOTIONS FOR APPROVING AND SIGNING THE GRANT AGREEMENT OFFER FROM THE U.S. DEPARTMENT OF TRANSPORTATION/FEDERAL AVIATION ADMINISTRATION (FAA)

Mr. Rhoades moved to approve the signing of the following Grant Agreement; motion seconded by Mrs. Delaplane and all voted YEA.

THE FEDERAL AVIATION ADMINISTRATION (FAA), FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay, as the United States' share, ninety percent (90%) of the allowable costs incurred in accomplishing the project consisting of the following:

"Acquire Land for Development (Reimbursement – Parcel A (26.74 acres), Parcel B (5.711 acres), Parcel C (7.297 acres), Parcel D (11.07 acres)"

as more particularly described in the Project Application, dated July 25, 2013.

The maximum obligation of the United States payable under this Offer shall be **\$85,889.00** for land.

This Offer is made in accordance with and for the purpose of carrying out the provisions of Title 49, United States Code, herein called Title 49 U.S.C. Acceptance and execution of this Offer shall comprise a Grant Agreement, as provided by Title 49 U.S.C., constituting the contractual obligations and rights of the United States and the Sponsor.

UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION

J. R. Ayfield Jr.
Manager, Detroit Airports District Office

ACCEPTANCE

The Sponsor agrees to accomplish the project in compliance with the terms and conditions contained herein, in the Project Application, and in the May 2013 "Terms and Conditions of Accepting Airport Improvement Program Grants" signed on September 18, 2013. X Michael E. Stegall

Executed this 18th day of September, 2013

X Diane L. Delaplane
X Michael W. Rhoades
Signature of Sponsor's Designated Official Representative

Darke County Board of Commissioners, Ohio
Sponsor / Seal

Darke County Board of Commissioners
Title

FILED

SEP 18 2013

CERTIFICATE OF SPONSOR'S ATTORNEY

I, R. Kelly Ormsby III, Darke County Prosecuting Attorney, acting as Attorney for the DARKE COUNTY, OHIO BOARD OF COMMISSIONERS certify: That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of Ohio. Further, I have examined the foregoing Grant Agreement, and the actions taken by said Sponsor relating thereto, and find that the acceptance thereof by said Sponsor and the Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and Title 49 U.S.C. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Executed this 18th day of September, 2013

R. Kelly Ormsby III
Signature of Sponsor's Attorney

IN THE MATTER OF RESOLUTION (R-197-2013) TRANSFER OF APPROPRIATIONS (DC Solid Waste District)

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 Solid Waste District: Not enough money in line

\$2,000.00 Other Operating #610-3020.538130 Equipment - \$5000. #610-3020.520160

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

Robin Blinn
Adm. Clerk/Secretary

Michael W. Rhoades (YEA)
Diann L. Delaplane (YEA)
Michael W. Rhoades (YEA)
Board of Darke County Commissioners

IN THE MATTER OF RESOLUTION (R-198-2013) REVENUE AND APPROPRIATION INCREASES (2014 Help Me Grow)

WHEREAS, the Board of Darke County Commissioners are requesting that the following "Revenue & Appropriation Increases" be changed; and

WE DO HEREBY RESOLVE, the following increases be changed as follows:

New '2014' Help Me Grow Grant (7/1/13 - 6/30/14) Unknown revenue in January 2013

Est. Revenue Increase	40,000.00	Federal Grant	#485-4254.431000
"	10,000.00	State Subsidy	#485-4254.432060
"	<u>24,500.00</u>	State Non Grant	#485-4254.432090
	\$ 74,500.00		

Appropriation Increase	<u>74,500.00</u>	Distribution	#485-4254.570060
Total.....	\$ 74,500.00		

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

Robin Blinn
Robin Blinn,
Adm. Clerk/Secy.

Michael W. Rhoades (YEA)
Diann L. Delaplane (YEA)
Michael W. Rhoades (YEA)
Board of Darke County Commissioners

IN THE MATTER OF RESOLUTION (R-199-2013) FOR COUNTY GRANTS #197 CHIP/CDBG REPAYS (3 Steps)

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:

Transfer of Appropriations - Step 1 of 3

FROM Account

TO Account

Need to advance revenue to #173-2012 CHIP/CDBG Grant (till Revenue is received)

\$600.00 Vendor/Res Grt #197-7018.538029 Advance Out #197-7018.590000

Fund Advance (Step 2 of 3)

WHEREAS, pursuant to R.C. 5705.38-40 and OAG Opinion #94-007; and
 WHEREAS, Commissioners are requesting that the following be transferred into the funds shown below; we therefore
 RESOLVE, the following be done:

Need to advance to #173-2012 CHIP/CDBG Grant (till Revenue is received from Grant-will advance back)

\$600.00 Advance Out #197-7018.590000 Advance In #173-7023.490000

Revenue/Appropriations Increases (Step 3 of 3)

WHEREAS, Commissioners are requesting that the following "Revenue & Appropriation" Increases be completed:

"Received more revenue than estimated January, 2013"; and
 WE DO HEREBY RESOLVE, the following "Fund Advance-Back" be approved as follows:

Est. Revenue Increase	<u>16,799.00</u>	Advance In	#173-7023.490000
Total Rev. Increase.....	\$16,799.00		

Appropriation Increase	8,500.00	Projects	#173-7023.533100
" "	2,000.00	Administration	#173-7023.538000
" "	<u>6,299.00</u>	Advance Out	#173-7023.590000
Total Rev. Increase.....	\$16,799.00		

Mrs. Delaplaine moved; and Mr. Rhoades seconded the resolution and all voted
 as follows:

Robin R. Blinn
 Robin R. Blinn, Adm. Clerk/Secy.

Mark Blinn (YEA)
Wane R. Delaplaine (YEA)
Michael W. Rhoades (YEA)
 Board of Darke County Commissioners

IN THE MATTER OF AUTHORIZATION OF MEETING EXPENSES (Darke Co. Probate Court)

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

#001-2300.532000 (RECOMMENDED)
 Attending: Probate Clerks Seminar/Dublin, OH/October 21, 2013/Claudia Shepherd
 Transportation: \$72.00/Lodging-Parking: \$100.00/Meals: \$25.00/Registration: \$125.00/Estimated total for meeting: \$322.00

IN THE MATTER OF PAY INS

Pay In#069917 Received of Commissioners Co.-Sept. 2013 rent from Miami Co. Bldg. Regs \$300.00

IN THE MATTER OF PUBLIC ATTENDEES COMMENTS/QUESTIONS:

**Bob Robinson w/Early Bird & CoNewsOnline: Had a question regarding the Darke County Airport land. Wanted to know if the 90% reimb. from the FAA was for land that was just purchased etc.? All Commissioners and CDGC Jeff Marshall explained that the land has already been purchased and that this 90% reimb. is for helping to re-coop that cost and also for future developments. Also questioned the comments made on the minutes that was read by the Clerk regarding the meeting that was held with Solid Waste Director Krista Fourman regarding the quotes/purchase of laptops for hers and Ditch Maintenance's Depts. Wanted to know what exactly was discussed? Commissioners advised that they approved the 2-lap tops from GPS Computers on Sept. 11th, and that the meeting held on Monday basically was going over the procedures of submitting quotes to the Commission Board etc. Mr. Robinson also had a question for EMA/LEPC Director Mindy Saylor regarding the approval of the Agreement for DC EMA/LEPC. Wanted to know what kind of services would be provided for in that Agreement? He stated that he thought the DC EMA/LEPC was already one (1) office. The Director advised that grant monies for helping fund those two (2) different agencies needs to be separate, thus making them work independently as far as funding goes, but is run by one (1) department.

Motions: (Executive Session) re: "To consider the appointment, employment, dismissal, discipline, promotion or compensation of a public employee or official";

Mr. Rhoades moved to go into "Executive Session" at 1:49 p.m.; seconded by Mrs. Delaplane;

*******Administrative Clerk/Secretary asked for ROLL CALL VOTE:**

Chairman Stegall YEA, Vice Chairman Delaplane YEA, and Member Rhoades YEA, motion passed.

Chairman Stegall: Declared Board "Out of Executive Session" at 3:23 p.m. and "Back on Record"

Motion (if any): NO ACTION BY THE BOARD AT THIS TIME

MRS. DELAPLANE MOVED TO ADJOURN; SECONDED BY MR. RHOADES AND ALL VOTED YEA. THE MEETING WAS ADJOURNED AT 3:24 P.M.

Michael W. Rhoades

Robin R. Blinn, Administrative Clerk/Secy.

Michael E. Stegall

Patricia S. Harter, Assistant Clerk/Secy.

Diane L. Delaplane,
DARKE COUNTY BOARD
OF COMMISSIONERS

IN THE MATTER OF FURTHER DISCUSSION BY THE BOARD

**All Commissioners attended the Darke Co. CIC Board meeting.