

THE DULY ELECTED MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CLERMONT COUNTY, OHIO, MET IN REGULAR SESSION ON FEBRUARY 6, 2013, WITH THE FOLLOWING MEMBERS PRESENT: EDWIN H. HUMPHREY, PRESIDENT, DAVID H. UIBLE, VICE PRESIDENT, AND ROBERT L. PROUD, MEMBER. THE MEETING WAS CALLED TO ORDER SHORTLY AFTER 10:00 A.M. BY THE PRESIDENT OF THE BOARD WITH THE PLEDGE OF ALLEGIANCE TO OUR FLAG.

LET THE RECORD SHOW THAT THE FEBRUARY 6, 2013 REGULAR SESSION WAS VIDEOTAPED AND IS AVAILABLE FOR PUBLIC INSPECTION MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8:00 A.M. TO 4:30 P.M. LOCAL TIME. IN ADDITION, THE REGULAR SESSION IS AVAILABLE FOR PUBLIC VIEWING THROUGH THE COUNTY GOVERNMENT WEBSITE AT <http://www.clermontcountyohio.gov/videos-bcc.aspx>.

IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION NUMBER 19-13/PAYMENT OF BILLS...ADOPTED

Moved by Mr. Uible, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation that the Board of County Commissioners adopt **Resolution Number 19-13** resolving to approve payment to vendors **in the revised total amount of \$1,069,811.41** as set forth in the BCC Approval Invoice Report(s) For Checks Dated **February 4, 2013**, Vendor Invoice List Report(s), Items paid by Fund and Check Date Range Report and/or Procurement Card Transaction Report presented by the County Auditor on **02/04/2013**, and further authorizing the County Auditor to issue warrants for same pursuant to Section 319.16 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Uible, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT... DATAMATIC PURCHASE, LICENSE AND MAINTENANCE AGREEMENT WITH DATAMATIC, LTD. FOR THE PROVISION OF SYSTEM SUPPORT AND EQUIPMENT MAINTENANCE OF THE DATAMATIC ROADRUNNER HANDHELD COMPUTERS AND CRADLES FOR SAME...13-0125-005...EXECUTED

Moved by Mr. Proud, seconded by Mr. Uible, that the Board of County Commissioners approve the following recommendation:

Recommendation of Sukie Scheetz, Controller, Clermont County Water Resources Department, with the concurrence of Stephen H. Rabolt, County Administrator, to authorize Edwin H. Humphrey, President of the Board of County Commissioners, or in his absence, any other member of the Board of County Commissioners, to execute the Datamatic Purchase, License and Maintenance Agreement by and between County of Clermont, Ohio, and Datamatic, Ltd., 3600 K Avenue, Plano, Texas 75074 for the provision of system support and equipment maintenance of the Datamatic Roadrunner Handheld Computers and Cradles for the Clermont County Water Resources Department, at a cost not to exceed \$5,276.77, effective February 1, 2013 through January 31, 2014, pursuant to and in compliance with the terms and conditions specified therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Uible, Yes; Mr. Humphrey, Aye.

**IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT...
CONTRACT FOR PROFESSIONAL SERVICES WITH HAZEN AND
SAWYER, P.C. FOR DISTRIBUTION SYSTEM WATER QUALITY
MODELING FOR PROJECT NUMBER 6401-60023 RELATIVE TO THE
BOB MCEWEN WATER (BMW) TREATMENT PLANT EXPANSION
AND RENOVATION PROJECT LOCATED WITHIN BATAVIA
TOWNSHIP...13-0125-001...EXECUTED**

Moved by Mr. Uible, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Chris Rowland, P.E., Assistant Sanitary Engineer, with the concurrence of Lyle G. Bloom, P.E., Director of Utilities, Clermont County Water Resources Department, to execute a Contract for Professional Services by and between the Board of Commissioners of Clermont County, Ohio, and Hazen and Sawyer, P.C., 498 Fashion Avenue, New York, New York 10018 for Distribution System Water Quality Modeling for Project Number 6401-60023 relative to the Bob McEwen Water (BMW) Treatment Plant Expansion and Renovation Project located in Batavia Township, in accordance with the Consultant's Proposal dated 12/17/12 as identified in Exhibit A, attached thereto and made part thereof, for a total amount not to exceed \$45,600.00, with said services to be completed within 150 consecutive calendar days upon issuance of a written Notice to Proceed from the Clermont County Water Resources Department, exclusive of County review time, pursuant to and in compliance with the terms and conditions set forth therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Uible, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

**IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT...
REQUEST TO ADVERTISE FOR BIDS FOR LANDFILL DISPOSAL
SERVICES FOR SAME...13-0124-001...APPROVED**

Moved by Mr. Proud, seconded by Mr. Uible, that the Board of County Commissioners approve the following recommendation:

Recommendation of J. Dwight Culbertson, Assistant Director of Operations, with the concurrence of Lyle G. Bloom, P.E., Director of Utilities, Clermont County Water Resources Department, to approve the request to advertise for bids for Landfill Disposal Services for the Clermont County Water Resources Department/City of Milford, pursuant to the specifications therefore, and to authorize the Clerk of the Board to place a Legal Notice in a newspaper of general circulation on Thursday, 02/14/2013, scheduling a non-mandatory Pre-Bid Meeting on Thursday, 02/21/13, at 10:00 A.M. Local Time, with bids to be received until **2:00 P.M. Local Time on Thursday, 02/28/2013**, in the Office of the Board of Clermont County Commissioners, 101 East Main Street, Batavia, Ohio 45103-2960, where they will be publicly opened and read aloud shortly thereafter. This notice will also be posted on Clermont County's website at the following URL link: www.clermontcountyohio.gov.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Uible, Yes; Mr. Humphrey, Aye.

**IN RE: DEPARTMENT OF JOB AND FAMILY SERVICES/WORKFORCE ONE
INVESTMENT BOARD OF SOUTHWEST OHIO...PURCHASE OF
SOFTWARE SERVICES AGREEMENT WITH AMERICAN
GOVERNMENT SERVICES, LLC FOR THE PROVISION OF G*STARS**

WEB-BASED DATA MANAGEMENT SERVICES FOR SAME ...12-1231-001...EXECUTED

Moved by Mr. Uible, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Michael R. Pride, Director, Department of Job and Family Services, with the concurrence of Stephen H. Rabolt, County Administrator, to execute a Purchase of Software Services Agreement by and between the Board of County Commissioners of Clermont County, Ohio, (through and on behalf of the Workforce One Investment Board of Southwest Ohio and the Clermont County Department of Job and Family Services, the Fiscal Agent and Administrative Entity for the Ohio Area 12 Workforce Area) and American Government Services, LLC, 520A Second Street, Hudson, Wisconsin 54016, for the provision of G*STARS web-based data management services to be utilized by the Ohio Area 12 Workforce Area in and as it relates to an Employer and Job Seeker Service Tracking System, at the annual rate of \$34,000.00, payable in two six month installment payments of \$17,000.00 each, effective for the period of 01/21/13 through 01/20/14, pursuant to and in compliance with the terms and conditions specified therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Uible, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

IN RE: OFFICE OF MANAGEMENT AND BUDGET...CHANGE FORM NUMBER 6 TO THE EQUIPMENT MAINTENANCE SERVICE AGREEMENT WITH THE REMI GROUP, LLC TO PROVIDE EQUIPMENT MAINTENANCE SERVICES FOR ADDITIONAL EQUIPMENT...12-1213-003...ACCEPTED

Moved by Mr. Proud, seconded by Mr. Uible, that the Board of County Commissioners approve the following recommendation:

Recommendation of Sukie Scheetz, Director, Office of Management and Budget, with the concurrence of Stephen H. Rabolt, County Administrator, to accept Change Form Number 6 to the Equipment Maintenance Service Agreement (Agreement Number RSA0001611-02) by and between the County of Clermont, Ohio, and The REMI Group, LLC, 11325 North Community House Road, Suite 300, Charlotte, North Carolina 28277, previously ratified by the Board of Commissioners 01/09/13, for the provision of equipment maintenance services on equipment located in various county offices, which represents the addition of a Simplex Time Recorder, Item Number 3028227/Serial Number B47726, located in the Office of the Clermont County Sheriff, in the annual amount of \$127.46, for a revised total amount not to exceed \$5,761.11, with all other terms and conditions of the original Equipment Maintenance Service Agreement remaining in full force and effect.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Uible, Yes; Mr. Humphrey, Aye.

IN RE: COUNTY ENGINEER...RESOLUTION NUMBER 20-13/RESOLUTION FINDING THAT JTD REALTY INVESTMENTS, LLC FAILED TO COMPLETE THE TERMS OF THE PERFORMANCE AND MAINTENANCE BOND DATED THE 24TH DAY OF SEPTEMBER, 2008 SECURED BY OFFICIAL CHECK NUMBER 004385 FROM FORCHT BANK IN THE AMOUNT OF \$22,000.00 AND AUTHORIZING THAT THIS AMOUNT BE DRAWN FROM THE CONTRACT TRUST FUND AND PLACED INTO THE MOTOR VEHICLE AND GAS FUND FOR COMPLETION OF THE PERFORMANCE BOND...08-0918-002...ADOPTED

Moved by Mr. Uible, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Patrick J. Manger, County Engineer, with the concurrence of Stephen H. Rabolt, County Administrator, to adopt **Resolution Number 20-13** resolving (1) to certify that JTD Realty Investments, LLC has defaulted on the terms and conditions set forth in the Combined Performance and Maintenance Bond secured by Official Check Number 004385 in the amount of \$22,000.00 issued by Forcht Bank, Burlington, Kentucky as Surety for Locust Lake Estates Subdivision located in Pierce Township, ratified by the Board of County Commissioners on 09/24/08, by failing to perform the completion, construction, repair and maintenance of Hickory Lane as shown on Record Plat Number 629-2601 therefore and that the Board of County Commissioners is obligated to complete the performance thereof and (2) to determine that the amount necessary to complete and perform such construction and/or maintenance activities to cure the default by JTD Realty Investments, LLC is in the amount of \$22,000.00 and that the County Engineer is hereby authorized and directed to present a certified copy of this resolution to the Clermont County Auditor authorizing the draw of \$22,000.00 from the Contract Trust Fund for deposit into the Motor Vehicle and Gas Fund to be used for the construction and/or maintenance activities required for completion thereof.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Uible, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

IN RE: COUNTY ENGINEER...RESOLUTION NUMBER 21-13/RESOLUTION FINDING THAT JTD REALTY INVESTMENTS, LLC FAILED TO COMPLETE THE TERMS OF THE PERFORMANCE BOND FOR SIDEWALKS DATED THE 24TH DAY OF SEPTEMBER 2008 SECURED BY OFFICIAL CHECK NUMBER 004386 FROM FORCHT BANK IN THE AMOUNT OF \$6,400.00 AND AUTHORIZING THAT THIS AMOUNT BE DRAWN FROM THE CONTRACT TRUST FUND AND PLACED INTO THE MOTOR VEHICLE AND GAS FUND FOR COMPLETION OF THE PERFORMANCE BOND...08-0918-002...ADOPTED

Moved by Mr. Proud, seconded by Mr. Uible, that the Board of County Commissioners approve the following recommendation:

Recommendation of Patrick J. Manger, County Engineer, with the concurrence of Stephen H. Rabolt, County Administrator, to adopt **Resolution Number 21-13** resolving (1) to certify that JTD Realty Investments, LLC has defaulted on the terms and conditions set forth in the Performance Bond for Sidewalks secured by Official Check Number 004386 in the amount of \$6,400.00 issued by Forcht Bank, Burlington, Kentucky as Surety for Locust Lake Estates Subdivision located in Pierce Township, ratified by the Board of County Commissioners on 09/24/08, by failing to perform the completion, construction, repair and maintenance of sidewalks therefore and that the Board of County Commissioners is obligated to complete the performance thereof and (2) to determine that the amount necessary to complete and perform such construction activities to cure the default by JTD Realty Investments, LLC is in the amount of \$6,400.00 and that the County Engineer is hereby authorized and directed to present a certified copy of this resolution to the Clermont County Auditor authorizing the draw of \$6,400.00 from the Contract Trust Fund for deposit into the Motor Vehicle and Gas Fund to be used for the construction activities required for completion thereof.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Uible, Yes; Mr. Humphrey, Aye.

IN RE: BOARD OF COUNTY COMMISSIONERS...JOINT APPLICATIONS WITH THE PROSECUTING ATTORNEY TO THE CLERMONT COUNTY COURT OF COMMON PLEAS FOR EMPLOYMENT OF LEGAL COUNSEL FOR MATTERS RELATIVE TO THE CECOS FACILITY AND OTHER ENVIRONMENTAL MATTERS AS NEEDED, PREPARATION OF ALL DOCUMENTATION IN SUPPORT OF THE UNDERWRITING OF BONDS AND FINANCIAL OBLIGATIONS OF CLERMONT COUNTY, AND K.L., ET AL. V. PIERCE TOWNSHIP, ET AL., UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION, CASE NO. 1:07-CV-986...EXECUTED

Moved by Mr. Uible, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Stephen H. Rabolt, County Administrator, to authorize Edwin H. Humphrey, President of the Board of County Commissioners, to execute Joint Applications with the Prosecuting Attorney to the Clermont County Court of Common Pleas for the employment of Legal Counsel with the following law firms as Special Counsel to represent the Board of County Commissioners in its official capacity and to advise it on legal matters as outlined therein, with compensation therefore at the rates and/or not to exceed total amounts as outlined below for Calendar Year 2013, pursuant to and in compliance with Section 305.14 of the Ohio Revised Code:

Law Firm	Legal Matter(s)	Hourly Rate	Total Amount Not to Exceed
Ice Miller, LLC Arena District 250 West Street Columbus, Ohio 43215 DC#13-0125-002	Legal counsel for matters relative to the CECOS Facility on Aber Road, Williamsburg, Ohio, and the defense of the litigation brought by the State of Ohio involving the County's alleged violation of its NPDES permits, the recovery of damages from all parties responsible for the negligent design, installation, or other aspects of the treatment works at the Lower East Fork sewage treatment plant, the Harsha Lake Water supply, and such other environmental matters as the Board of County Commissioners may from time to time designate.		\$20,000.00
Squire, Sanders & Dempsey LLP 221 East Fourth Street Suite 2900 Cincinnati, Ohio 45202 DC# 13-0125-003	Preparation of all documentation in support of the underwriting of bonds and financial obligations of the County of Clermont, Ohio.		\$ 80,000.00
Todd Raskin, Attorney at Law Mazanec, Raskin, Ryder & Keller, L.P.A. 100 Franklin's Row 34305 Solon Road Cleveland, Ohio 44139 DC# 13-0125-004	Legal counsel for matters relative to K.L., et al. v. Pierce Township, et al., United States District Court, Southern District of Ohio, Western Division, Case No. 1:07-CV-986.	\$180.00/Hour	\$ 100,000.00

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Uible, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION NUMBER 22-13/RESOLUTION DESIGNATING THE OFFICIAL VOTING REPRESENTATIVE AND ALTERNATE FOR CLERMONT COUNTY, OHIO, FOR THE PURPOSE OF VOTING AT ANNUAL OR SPECIAL MEETINGS OF THE COUNTY COMMISSIONERS' ASSOCIATION OF OHIO IN CALENDAR YEAR 2013...13-0201-001...ADOPTED

Moved by Mr. Proud, seconded by Mr. Uible, that the Board of County Commissioners approve the following recommendation:

Recommendation of Stephen H. Rabolt, County Administrator, to adopt **Resolution Number 22-13** resolving to designate Edwin H. Humphrey as the Official Voting Representative of Clermont County, Ohio, and David H. Uible as the Alternate Voting Representative of Clermont County, Ohio, for the purpose of voting at Annual or Special Meetings of the County Commissioners' Association of Ohio in Calendar Year 2013, pursuant to Article IV, Section 6, of the Code of Regulations of the County Commissioners' Association of Ohio.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Uible, Yes; Mr. Humphrey, Aye.

IN RE: BOARD OF COUNTY COMMISSIONERS...RE-APPOINTMENT TO THE FACILITY GOVERNING BOARD OF THE COMMUNITY-BASED CORRECTIONAL FACILITY AND PROGRAM...06-1107-002...APPROVED

Moved by Mr. Uible, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Stephen H. Rabolt, County Administrator, to re-appoint R. Daniel Hannon, Clermont County Public Defender, 10 South Third Street, Batavia, Ohio 45103 to serve on the Facility Governing Board of the Community-Based Correctional Facility and Program, for a term of three (3) years beginning 11/08/12 and ending 11/07/15, pursuant to and in compliance Section 2301.51 (E) of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Uible, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

IN RE: BOARD OF COUNTY COMMISSIONERS...DESIGNATION OF APPOINTMENT TO THE CLERMONT COUNTY LIBRARY BOARD OF TRUSTEES...13-0205-002...APPROVED

Moved by Mr. Proud, seconded by Mr. Uible, that the Board of County Commissioners approve the following recommendation:

Recommendation to appoint Chris Smith, 1184 Village Glen, Batavia, Ohio 45103, to serve on the Clermont County Library Board of Trustees for the term ending 12/31/19, pursuant to Section 3375.22 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Uible, Yes; Mr. Humphrey, Aye.

IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION NUMBER 23-13/RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR

TO EXECUTE CONTRACTS FOR PUBLIC IMPROVEMENT MINOR PROJECTS, PROFESSIONAL SERVICES CONTRACTS, AND SERVICES CONTRACTS...13-0205-003...ADOPTED

Moved by Mr. Uible, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation to adopt **Resolution Number 23-13** authorizing the County Administrator to execute, on behalf of the Board of County Commissioners, Contracts for Public Improvement Minor Projects, Professional Services Contracts, and Services Contracts with qualified contractors as selected and recommended by county offices to perform limited work services relative to maintenance, improvements and repairs of county facilities and property, at a cost of less than \$50,000.00 for said improvements and/or services, with said contractor to be directly under the supervision of the responsible county office; and, that the County Administrator shall insure that all contractual documents are complete and that the Scope of Services outlined is consistent with the appropriations for the project and the plans and specifications developed for the project; and further, that all such contracts in excess of \$15,000.00 be brought before the Board of Commissioners in a timely manner for ratification after execution by the County Administrator.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Uible, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

IN RE: TRAINING AND TRAVEL REQUEST...REIMBURSEMENT OF EXPENSES RELATIVE TO SAME...APPROVED

Moved by Mr. Proud, seconded by Mr. Uible, that the Board of County Commissioners approve the following recommendation:

Recommendation of Stephen H. Rabolt, County Administrator, to approve the following request for reimbursement of expenses for training and travel pursuant to the policies and procedures of the Board and in compliance with the Annual Appropriations for Fiscal Year 2013 and any and all amendments subsequent thereto:

BOARD OF COUNTY COMMISSIONERS

Stephen H. Rabolt: One (1) day – Mt. Sterling, Ohio – County Commissioners Association of Ohio (CCAO) Commissioners' Training Seminar – Total expenses for registration (\$125.00) estimated not to exceed \$125.00.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Uible, Yes; Mr. Humphrey, Aye.

IN RE: MINUTES OF REGULAR SESSION...APPROVED

Moved by Mr. Uible, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation to approve the minutes of Regular Session of 02/06/13.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Uible, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

IN RE: ADJOURNMENT...APPROVED

Moved by Mr. Proud, seconded by Mr. Uible, that the Board of County Commissioners approve the following recommendation:

That the Board of County Commissioners, noting no further business to come before the commission for legislative action, adjourned this Regular Session at 11:22 A.M. until the next regularly scheduled session to be held at a later date.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Uible, Yes; Mr. Humphrey, Aye.

**BOARD OF COUNTY COMMISSIONERS
CLERMONT COUNTY, OHIO**

**EDWIN H. HUMPHREY, PRESIDENT
DAVID H. UIBLE, VICE PRESIDENT
ROBERT L. PROUD, MEMBER**

JUDITH KOCICA, CLERK OF THE BOARD

02/06/13
DATE APPROVED