

JANUARY 12, 2012

The Gallia County Board of Commissioners met on this date for the purpose of approving the minutes of the previous meeting and current transfers, appropriations and bills. At 9:00 a.m. the meeting was called to order by President Harold G. Montgomery. Roll Call: Harold G. Montgomery, present; Vice President Mr. Howard J. "Joe" Foster, present; Commissioner Lois M. Snyder, present.

President Montgomery entertained a motion for approval of the January 5, 2012 & January 9, 2011. Lois Snyder made and Joe Foster seconded the motion minutes. Roll call: Mr. Montgomery, yea; Mr. Foster, yea; Ms. Snyder, yea.

Animal Shelter Canine Weekly Report										
Week Ending	IN	Adopted	Reclaimed	Euthanized	Died (Natural Causes)	Rescued	Destroyed (in field)	Out	In Foster Care	Remaining at Shelter
1/9	43	2	3	1	1	7	0	14	18	61

SHERIFF DRUG ENFORCEMENT 2010

Juvenile Court submitted a financial report for signature for the Sheriff Drug Enforcement Grant for 2010. Joe Foster made and Lois Snyder seconded the motion to sign the report; roll call: Mr. Montgomery, yea; Mr. Foster, yea; Ms. Snyder, yea.

**ROAD PETITION RECEIVED
A PORTION OF VARIOUS UNNAMED PATRIOT VILLAGE ALLEYS**

County Commission received a public road petition for the following:

The undersigned petitioners, freeholders of said county residing in the vicinity of the proposed improvement hereinafter described, respectfully represent that the public convenience and welfare require the VACATION of a portion of various unnamed Patriot Village alleys Public Roads on the line hereinafter described, and make application to you to institute and order proper proceedings in the premises for vacating such roads, the same not being a road on the State Highway System.

The following is a general route and termini of said roads:

Being all that part of unnamed/unimproved alleys in the Village of Patriot, Sections 34 and 35, Township 5, Range 16, Perry Township, Gallia County, State of Ohio, more particularly described as follows:

Alley 1: Beginning at the northwest corner of Lot 27 in said Village; thence South along the west line of Lot 27, South 171.6 feet to the southwest corner of said Lot 27 being the north line of a platted alley (now vacated); thence leaving said Lot 27 and with the north line of said platted alley (now vacated), West 16.5 feet to the southeast corner of Lot 26 in said Village; thence with the east line of said Lot 26, North 171.6 feet to the northeast corner of said Lot 26, also being the south line of Village Street; thence leaving said Lot 26 and with the south line of said Village Street, East 16.5 to the place of beginning. It is the intention to describe all that part of an unnamed/unimproved alley bounded on the east by Lot 27, the west by Lot 26, the north by Village Street and the south by an unnamed/unimproved alley (now vacated).

Alley 2: Beginning at the northwest corner of Lot 22 in said Village; thence South 171.6 feet to the southwest corner of said Lot 22 also being the north line of a platted street now known as Patriot Road; thence leaving said Lot 22 and with the north line of said Patriot Road, West 16.5 feet to the southeast corner of Lot 23; thence leaving said Patriot Road and with the east line of said Lot 23, North 171.6 feet to the northeast corner of said Lot 23 also being the south line of an unnamed/unimproved alley (now vacated); thence leaving said Lot 23 and with the south line of said unnamed/unimproved alley (now vacated), East 16.5 feet to the place of beginning. It is the intention to describe all that part of an unnamed/unimproved alley bounded on the east by Lot 22, on the west by Lot 23, on the south by Patriot Road and on the north by an unnamed/unimproved alley (now vacated).

Note: All of the vacated above becomes the taxable property of the adjacent property owners at the time of the granted vacation.

Commissioners will advertise a public hearing for two consecutive weeks in local newspaper, hold a road viewing on the 3rd week with local officials and interested parties and then hold a public hearing on the 4th week to give testimony upon the necessity of vacating said road (s) and whether the prayer of the petitioners should be granted. To be published on these dates: January 18 & January 25, 2012. Road Viewing will be held at 1:30 p.m. on February 2, 2012 and Public Hearing will be held on February 9, 2012 at 11:45 a.m.

Lois Snyder made and Joe Foster seconded the motion; roll call: Mr. Montgomery, yea; Mr. Foster, yea; Ms. Snyder, yea.

JANUARY 2012 FINANCIAL REPORT REVIEW

County Administrator Karen Sprague presented the Commission with:

- Reviewed Final 1st Amended Certificate of Estimated Resources for FY 2012

CDBG AUTHORIZED SIGNATURE CARD

The County Administrator presented the Commission with the updated authorized signature card for the CDBG's programs for signing due to the reorganization of the County Commission. Lois Snyder made and Joe Foster seconded the motion to approve the new signature card and sign it as presented. Roll call votes: Mr. Montgomery, yea; Mr. Foster, yea; Ms. Snyder, yea.

**STATUS REPORT
FY 2009 ARRA CDBG WATER/SEWER GRANT (B-R-09-1AY-1)**

The County Administrator presented the Commission with the Status Report for the period October 1, 2011 thru December 31, 2011 for the County's FY 2009 ARRA CDBG Water/Sewer Grant (B-R-09-1AY-1), which must be submitted to the Ohio Department of Development. Harold Montgomery entertained a motion that the Status Report be approved and signed as presented. Joe Foster made and Lois Snyder seconded that motion. Upon roll call votes were as follows: Harold Montgomery, yea; Joe Foster, yea; Lois Snyder, yea. The form is on file in the County's CDBG grant files.

FINAL PERFORMANCE REPORT
FY 2009 CDBG CHIP & HOME GRANTS (B-C-09-1AY-1 & B-C-09-1AY-2)

The County Administrator presented the Commission with the Final Performance Reports for the period September 1, 2009 thru December 31, 2011 for the County's FY 2009 CDBG CHIP & HOME Grants (B-C-09-1AY-1 & B-C-09-1AY-2), which must be submitted to the Ohio Department of Development. Harold Montgomery entertained a motion that the Final Performance Reports be approved and signed as presented. Lois Snyder made and Joe Foster seconded that motion. Upon roll call votes were as follows: Harold Montgomery, yea; Joe Foster, yea; Lois Snyder. The form is on file in the County's CDBG grant files.

FAA 1st QUARTER REPORT
GALLIA-MEIGS REGIONAL AIRPORT PROJECTS

Commission President Harold Montgomery entertained a motion to approve and allow County Administrator Karen Sprague to sign the FAA 1st Quarter Report for 2012 for the FAA 2011 Airport Grant. Joe Foster moved and Lois Snyder seconded this motion. Upon roll call votes were as follows: Harold Montgomery, yea; Joe Foster, yea; Lois Snyder, yea.

VARIOUS OHIO COUNTY SHERIFF BUDGET REDUCTIONS

The County Administrator presented the Commission with a spreadsheet reflecting several other Ohio counties reduction of Sheriff Department budgets from 2008 through 2012. The information reflects the other counties are going through the same budget reductions for their departments that Gallia County is encountering this year.

OEPA SEWER VIOLATION NOTICES

The County Administrator presented the Commission with OEPA sewer violation notices regarding Meadowlook Subdivision WWTP & Rodney Village II WWTP along with letter to OEPA from Glenn K. Soles, Jr. the County's contracted class 1 Sewer Operator.

HEALTH SERVICES CONTRACT – JEANNE INGLES FNP-BC FAMILY PRACTICE

The County Administrator presented the Commission with a contract from Jeanne Ingles FNP-BC Family Practice to continue the services to full-time county employees that take the County Health Insurance, noting that full-time employees that do not take the County Health Insurance or part-time employees are not eligible for this benefit as it is paid from the 105 Plan fund. The 105 Plan fund can only be utilized to benefit the employees that pay into it. Ms. Sprague noted the dollar amount of the contract will remain the same as 2011, \$35 for office visit, along with additional fees for ancillary testing for diagnostic purposes that remain the same also. Lois Snyder made and Joe Foster seconded a motion to approve the contract. Upon roll call votes were as follows: Harold Montgomery, yea; Joe Foster, yea; Lois Snyder.

AGREEMENT – FY 2012 DEFENSE OF THE INDIGENT

The County Administrator presented the Commission with the FY 2012 Defense of the Indigent contract with the Gallia County Criminal Defense Lawyers, noting the contract amount will remain the same as 2011 at \$291,200 and require the GCCDL to provide the reporting needed to the County Auditor's Office to track the City vs County cases. Joe Foster made and Lois Snyder seconded a motion to approve the agreement. Upon roll call votes were as follows: Harold Montgomery, yea; Joe Foster, yea; Lois Snyder.

AGREEMENT

This Agreement is made and entered into in Gallia County, Ohio, effective as of the 1st day of January, 2012, by and between the Gallia County Public Defender Commission, Gallia County, Ohio (hereinafter referred to as Commission), and Gallia County Criminal Defense Lawyers, an Ohio non-profit corporation (hereinafter referred to as GCCDL).

***WHEREAS**, by resolution duly passed by the Gallia County Commissioners on January 18, 2007, the Gallia County Public Defender Commission was created; and*

***WHEREAS**, the Commission is obligated by Section 120.14 of the Ohio Revised Code, to provide for counsel to represent indigent persons in the proceedings set forth in division (A) of Section 120.16 of the Ohio Revised Code; and*

***WHEREAS**, pursuant to Section 120.14 of the Ohio Revised Code, the Commission may contract with a non-profit corporation for the provision of services in accordance with Section 120.14 and 120.44; and*

***WHEREAS**, the Gallia County Commissioners passed a Resolution authorizing a contract between the Commission and GCCDL, for indigent representation from January 1, 2012 through December 31, 2012; and*

***WHEREAS**, the Gallia County Commissioners have budgeted and appropriated the sum of \$291,200.00, for 2012 to fund the Gallia County Public Defenders Commission for the provision of indigent representation as set forth hereafter.*

***WHEREAS**, GCCDL has the primary purpose of providing legal representation to indigent persons and is in a position to provide competent legal counsel to indigents in criminal and certain other juvenile matters; and*

***WHEREAS**, the Commission desires to contract with GCCDL and GCCDL desires to undertake the statutory obligations of the County Public Defender.*

***NOW THEREFORE**, in consideration of the mutual promises of the parties set forth herein, the parties agree that:*

1. *The term of this Agreement shall be from January 1, 2012 to December 31, 2012.*
2. *GCCDL shall provide to the Gallia County Common Pleas Court, General Division, Domestic Division and Juvenile Division, and Gallipolis Municipal Court, with indigent representation in all criminal cases, contempt proceedings arising from failure to pay child support and other required Juvenile Court matters as provided for by Ohio Revised Code 2151.352 referred to it by the Courts, excluding homicides with death penalty specifications. GCCDL through its assignment of counsel agrees to independently contract with attorneys in order to avoid or resolve conflict issues. In the event that no member counsel for GCCDL is available due to irresolvable conflict of interest, then independent counsel shall be assigned directly by the Court and the cost shall then be the obligation of GCCDL, and not be an additional cost to the county. Should such a conflict exist and the appropriate Court need to appoint outside counsel, said counsel shall submit a court appointed fee request to the Court which upon approval shall be presented to the GCCDL for payment.*
 - a. *GCCDL nor any attorneys duly appointed or assigned shall be obligated to pursue any appeal which GCCDL or the attorney determines lacks merit or for any other reasons within professional, ethical judgment should not be pursued.*
 3. *In all cases arising within the jurisdiction of Gallia County, Ohio, GCCDL shall provide attorneys to act as counsel of record for indigents at arrest, at formal charging, or at indictment provided such indigents qualify for representation under the guidelines established by the Ohio Public Defender in Rule 120-1-3 of the Ohio Administrative Code, which is incorporated herein by reference.*

4. Upon request for indigent representation in appropriate cases, the Court shall refer the individual to GCCDL. GCCDL shall require the requesting individual to complete a financial Disclosure/Affidavit of Indigency and/or other forms as shall be required by the Ohio State Public Defender to insure reimbursement by the State of Ohio, and shall determine indigency of such individuals, subject to review by the Court, in the same manner as provided in Section 120.05 of the Ohio Revised Code. Within ten days from receipt of said referral, GCCDL shall report back to the Court on its finding of indigency and if so found, provide the Court with the entry of appearance of counsel.
5. In connection with the performance of work under this Agreement, the GCCDL agrees not to discriminate against any employee, independent contractor, or applicant for employment because of race, color, religion, sex, handicap, or national origin. GCCDL shall take affirmative action to ensure applicants are employed, and those employees are treated during employment without regard to their race, color, religion, sex, handicap, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising; lay-off or termination, rates of pay or other forms of compensation; and selection for training, including apprentice.
6. GCCDL has the responsibility to complete any and all cases once representation has commenced under the terms of this Agreement. Representation commenced in the trial court shall be continued through all trial court proceedings. This provision does not prohibit GCCDL from withdrawing from a case due to an irresolvable conflict of interest recognized by the Court, or from withdrawing due to a finding of the client's financial ineligibility for services. It is anticipated that a conflict of interest for an individual attorney providing services hereunder does not necessarily mean that GCCDL cannot continue to provide representation through another attorney. The substitution of a different attorney to a case shall not be considered a new referral or appointment for the purpose of identifying the number of cases referred. In the event that a conflict does exist which prevents representation by GCCDL, the Court shall assign a private attorney to represent the indigent client and the GCCDL shall pay this private attorney from the proceeds of this contract with the County.
7. GCCDL will utilize the service of attorneys as independent contractors. Attorneys will devote the time necessary to provide effective representation to the indigent clients.
8. GCCDL shall employ or independently contract for support staff and non-attorney personnel as needed to complete the obligations of this contract. Special needs for investigators, social workers, mental health professionals, and other forensic experts necessary to provide competent representation shall be brought to the attention of the Court for authorization of procuring the services at county cost. Compensation for employees, subcontractors and retained experts shall be at rates commensurate with their training, experience and at a rate similar to other public agencies within Gallia County.
9. GCCDL may request payment in addition to that under this agreement for cases that require an extraordinary amount of time and preparation. The request for such consideration must be approved in advance by the Judge assigned to such case.
10. GCCDL shall retain financial records, submit financial reports and submit to an annual financial audit. A report of these findings shall be provided to the Commission and shall also be forwarded to the Ohio Public Defender Commission as part of the annual report submitted pursuant to Sections 120.14 and 120.24 of the Ohio Revised Code.
11. GCCDL shall provide indigent representation to all clients in a professional, skilled manner consistent with Chapter 120 of the Ohio Revised Code, the Rules of the Ohio Public Defender Commission, the Ohio Public Defender Standards, the canons of ethics for attorneys in Ohio, and case law and applicable court rules defining the duties of counsel and rights of parties.
12. GCCDL shall require all attorneys participating as independent contractors to provide proof of malpractice insurance in minimal amounts of \$100,000 per claim, and \$300,000 in the aggregate.
13. GCCDL shall maintain a case reporting system, and upon request shall be available to the appropriate courts of Gallia County, the Board of Commissioners of Gallia County, and the Public Defender Commission of Gallia County. However, no information shall be required to be released that may be deemed to breach the attorney-client privilege. GCCDL shall report the caseload data to the State Public Defender, the Gallia County Public Defender Commission, and appropriate Gallia County officials on a monthly basis, or as shall be required by the State Public Defender. Payment will not be issued unless the proper reporting is submitted to Gallia County.
 - a. GCCDL shall track and report to the Gallia County Auditor's Office monthly and to the Gallia County Commissioners Office annually the number of cases for which it provides legal representation to indigent adults and juveniles charged with a violation of an ordinance of the municipal corporation of Gallipolis for which the penalty or possible adjudication includes the potential loss of liberty. This report shall include the case number and the dollar amount charged by the attorney. Payment will not be issued unless the report is submitted to Gallia County.
14. Gallia County shall pay to GCCDL:
 - a. For services provided hereunder, except as otherwise provided in this section, as follows:
 - i. For FY 2012 the sum of TWO HUNDRED NINETY-ONE THOUSAND TWO HUNDRED DOLLARS (\$291,200.00), to be paid in equal monthly installments of \$24,266.66 for the first eleven months of 2012 and \$24,266.74 for the month of December 2012 on or before the second Friday of the month during FY 2011. Said sums shall be appropriated by the Board of County Commissioners and be available to meet the requirements under this agreement.
15. The Gallia County Commissioners shall retain all reimbursements for funds received for indigent attorney fees.
16. This contract shall be effective from January 1, 2012, through December 31, 2012. Either party may terminate this contract upon giving thirty (30) days written notice to the other party. Should this contract be terminated, the County shall remain obligated to provide indigent representation in a manner provided by law.
17. Should the GCCDL have insufficient attorneys to meet the obligations set forth herein, additional attorneys shall be required by the GCCDL to provide adequate and competent representation. The Judges of the various courts served by the GCCDL by a majority vote shall determine, after discussion with GCCDL, when there exists insufficient attorneys to service the Courts.
18. GCCDL shall submit any and all forms necessary to insure reimbursement for the county, in accordance with the requirements of the Office of the Ohio Public Defender. This shall be done on a monthly basis. Failure to submit the necessary forms in a timely manner could result in payments being held under this contract.

GALLIA COUNTY CRIMINAL DEFENSE LAWYERS

Date: 1/3/2012

By: /s/ William D. Corley

President

APPROVED:

OHIO STATE PUBLIC DEFENDER COMMISSION

Date: _____

By: _____

GALLIA COUNTY PUBLIC DEFENDER COMMISSION

Date: _____

By: _____

Chairman

BOARD OF COMMISSIONERS OF GALLIA COUNTY, OHIO

Date: _____

By: /s/ Lois M. Snyder

Lois M. Snyder

By: sl Howard Joe Foster
 Howard Joe Foster
 By: sl Harold G. Montgomery
 Harold G. Montgomery, President

APPROVED AS TO FORM:
 Date: 1/12/2012
 By: C. Jeffrey Adkins
 Gallia County Prosecuting Attorney

SCHEDULES FOR 2012

County Administrator Karen Sprague presented the Commission with FY2012 schedules for the 2013 budget process, the 2012 CDBG Formula Program and the 2012 Issue I Round 27 program.

CHILDREN SERVICES AGENCY UPDATE

Executive Director Russ Moore met with the Commission for an update of the agency's fiscal condition. Cash, expenditures, intake and screening reports were distributed for the end 2011 and reviewed by everyone. They currently have 14 children in placement which is down from the last report.

Moore also advised that the area next to their parking lot has over grown and has in the past been mowed by the County Engineer. He contacted the Engineer whom came out to assess the situation and advised that his department could not maintain this area since it was not a county road. Commissioners advised they would look at some options for this issue.

WORK ACTIVITY PARTICIPATION UPDATE

DJFS Director Dana Glassburn gave a brief update of the work activity participation rates with comparisons July to November since they had contracted with Community Action Agency. They have seen increases in the numbers during this time and expect the state reports in the next week or so.

EXECUTIVE SESSION - DJFS

At 10:14 a.m. the President entertained a motion to enter into executive session with DJFS Director Dana Glassburn to discuss contract issues. Joe Foster made and Lois Snyder seconded the motion; roll call: Mr. Montgomery, yea; Mr. Foster, yea; Ms. Snyder, yea. Returned to regular session at 10:27 a.m.; no action taken.

OPWC GRANT AGREEMENT – UP CREEK SLIP REPAIR

Commissioners received the OPWC Grant Agreement for the Up Creek Slip Repair Project in the amount of \$215,000. The grant was assigned project number CU170. The President entertained a motion to execute the Project Agreement by signing both copies. Lois Snyder made and Joe Foster seconded the motion; roll call: Mr. Montgomery, yea; Mr. Foster, yea; Ms. Snyder, yea.

2011 COUNTY HIGHWAY SYSTEM MILEAGE CERTIFICATION

Commissioners received the following 2011 County Highway System Mileage Certification from the County Engineer's office:

The total length of county maintained public roads in Gallia County was 454.855 miles as of December 31, 2010, as certified by the Board of County Commissioners and/or reported by the Director of Transportation in accordance with the provisions specified in Section 4501.04 of the Ohio Revised Code.

We the undersigned, hereby certify that as of December 31, 2011, the county was responsible for maintaining 454.223 miles of public roads. The following changes were noted:

- *Kemper Hollow – 0.200. Road is now graveled from LOG 3.01 to LOG 3.69. LOG 3.49 to LOG 3.69 was Class X. New Inventory provided.*
- *Farmview Road -0.832. Section of road, LOG 0.068 to LOG 0.90 was vacated Commissioners Journal #45 Page # 485 Passed 04/21/2011. New Inventory provided.*

The President entertained a motion to approve certification. Joe Foster made and Lois Snyder seconded the motion; roll call: Mr. Montgomery, yea; Mr. Foster, yea; Ms. Snyder, yea.

BID OPENING – UP CREEK SLIP REPAIR

At 11:00 a.m. The President opened the following bids for the County Engineer Project:

Company	Total Bid
DGM Inc., Beaver, OH	\$ 195,482.00
U.S. Bridge, Cambridge, OH	\$ 144,382.00
Mi-De-Con, Inc., Ironton, OH	\$ 218,587.86
Alan Stone Co., Inc., Cutler, OH	\$ 190,808.00

The bids were turned over to the Assistant County Engineer for review and recommendation; bid will be awarded January 19th at 11:00 a.m. The following were in attendance: Michelle Miller, Gallia Hometown Herald; Amber Gillenwater, Gallipolis Daily Tribune; Claudia Staley, Alan Stone Co. Inc.; James Pennington, Mi-De-Con, Inc.; Nate Wutrick, U.S. Bridge; Jennifer Brown, Assistant County Engineer; Mark Salisbury DGM Inc.

HEALTH DEPARTMENT QUARTERLY REPORT

Commissioners noted the receipt of the 4th Quarter Report from the Health Department and reviewed the information. The report is on file in the Commissioners office.

WIRELESS BROADBAND EXPANSION STATUS

Jake & Steve Kline met to update the Commissioners on the status of the wireless broadband expansion. Jake stated they had recently brought 5 tower sites online and installed 115 new clients. Three of those sites were the county towers and they are doing a good job. The Holzer Clinic tower addition and Hillside Drive are up and they are looking

to add more equip to Hillside to also expand service into SR 775 and Raccoon Creek area by end of month. They are currently processing 3 other sites to move forward;

- Shoestring Ridge tower – they have signed a contract with landowner.
- The Meadows and Porterbrook Subdivisions – we are coming to this area as well but will need to construct a tower so this will be more costly and take a little longer.
- Holzer Clinic (Industrial Park) - They hope to utilize the Clinic's tower in the Industrial Site to bring in "line of site" which will provide faster speed to all those tenants as well as the surrounding community.

Kline also advised that the older "line of site" technology was only capable of 2MG; they are testing some newer equipment which increases to 4-5 MG, and it seems to prove itself. They hope to add some of the new equipment to the sites; we want to make sure the infrastructure we are putting out there will support the needs of the residents.

They are also hoping to add another sector for "line of site" on Hamilton Rd area. Commissioner Montgomery offered any assistance with the small repeater towers being installed and also informed them that the County obtained the Hamilton Rd tower from the Corp of Engineers which serviced river traffic so this site may benefit them for Route 7 South areas.

Montgomery encouraged them to continue their efforts to advance out in the county as far as possible; it is needed and wanted and enhances the ability of people to conduct business as well as educational resources. Commissioner Foster agreed that the County could help with press releases to get the word out to the public regarding the services that are available and upcoming. Kline stated that by the end of February, they would like to do a press release to make everyone aware of their coverage areas and appreciate anything the Commission can do to get the word out. They are currently booked up through February with site evaluations. They are making progress according to the plan that was presented and are on target with those numbers.

INVESTMENT ADVISORY COMMITTEE

Attending: Commissioners Harold Montgomery, Joe Foster, Lois Snyder
Treasurer, Steve McGhee; Clerk of Courts Noreen Saunders

At Noon, Gallia County Treasurer, Steve McGhee, Chair of the Investment Committee, presented the 4TH Quarter 2011 investment report for review. The Investment reports are submitted monthly; with meetings held quarterly. Members of the Committee are the Commissioners, the Treasurer and the Clerk of Courts.

McGhee advised the Investment income was up slightly for 2011; looking forward to 2012 McGhee projects it to be down 10%. We will bid out a new depository agreement in October of this year.

Steve McGhee moved to adjourned at 12:03 p.m. Joe Foster made and Harold Montgomery seconded the motion; all voting yea. The Investment Report is on file in the Treasurer's and in the Commissioner's office for review.

SEWER CONSTRUCTION MEETING

The following were present for an update on the Kanauga-Addison sewer construction projects: David Clagg, Project Manager; Bob Rothgeb, Addison Twp Trustee; Mark Kirkhart, ODOT; Michelle Miller, Gallia Hometown Herald; Gary Silcott, Stantec Engineering; Gordon Parker, USDA; Steve McGhee, Gallia Treasurer; County Administrator Karen Sprague.

Silcott advised Trimat would not be able to attend due to a recent family illness.

- Clagg gave a brief update report regarding the Georges Creek Road and Tara Subdivision areas.
- Kirkhart inquired about the status of the roadside rest area with removal of debris and would like a target date for this clean-up and when the system would be online. Silcott advised they have had several issues with lift stations and could not give a definitive date at this time but best case scenario, the end of January. We have sent correspondence to the contractors and received no response and now there has been the recent family health issue within that family; we may have to consider terminating the contract.
- Rothgeb stated that they were still waiting on the installation of the steps, sidewalks and handrails at the Addison Townhouse. Silcott advised that this was on the punch list for completion.

There were no other comments from the public.

EXECUTIVE SESSION – CONTRACT

At 1:27 p.m. the President entertained a motion to enter into executive session with Sewer Project Engineer Gary Silcott, USDA Representative Gordon Parker, Project Manager David Clagg and County Administrator Karen Sprague to discuss a contractual issue. Joe Foster made and Lois Snyder seconded the motion; roll call: Mr. Montgomery, yea; Mr. Foster, yea; Ms. Snyder, yea. Prosecutor Jeff Adkins joined the session at 1:30 p.m. Returned to regular session at 2:17 p.m.; no action taken.

NOTICE OF CONTRACT TERMINATION

Sewer Project Engineer Gary Silcott advised that based on the performance and lack thereof, he recommended the termination of contract with Trimat Construction Inc. for the Kanauga Addison Sewer Project. Therefore, the President entertained a motion to issue a seven (7) day notice as required by contract to terminate the contract as recommended. Joe Foster made and Lois Snyder seconded the motion; roll call: Mr. Montgomery, yea; Mr. Foster, yea; Ms. Snyder, yea.

January 12, 2012
File: 173401044

Trimat Construction Co.
13621 State Route 554
Bidwell, Ohio 45614

Dear Mat Toler:

Reference: **Kanauga / Addison Sanitary Sewer Project**

At the meeting of the Gallia County Commissioners today we discussed the progress of the above referenced project and the number of outstanding claims to date.

The Commissioners have decided to provide you with the required seven (7) day notice as required by General Conditions Article 15.02 to terminate your contract based on Article 15.02 (A) (1). If the work is not completed within seven (7) days of the date of this letter the project will be turned over to the bonding company. This decision was not made lightly but with the continued failure to meet your own schedules and the excessive amount of claims placed on the project in the last month we feel it is in the best interest of the residents of the project to take the necessary steps to ensure the project gets completed and the subcontractors and suppliers get paid.

If you have any questions or would like to discuss please contact us or the project engineer.

Respectfully,
Gallia County Board of Commissioners

s/ Harold G. Montgomery, President
s/ Howard Joe Foster, Vice-President
s/ Lois M. Snyder, Commission Member

cc. Gary D. Silcott, Stantec Consulting
Ryan Springer, USDA Marietta
Kernan Insurance Agency
Fidelity & Deposit Company of Maryland

KANAUGA/ADDISON PAYMENT RESOLUTION # 27

The County Administrator presented the Commission with Payment Resolution # 27 for the Kanauga/Addison Sewer Project for the following items:

- United Survey, Inc. Pay Estimate # 2 - \$26,505.00
- Stantec Consulting Inv. #551765 - \$19,254.01
- Total = \$45,759.01

Harold Montgomery entertained a motion to approve payment resolution # 27 as submitted. Lois Snyder moved and Harold Montgomery seconded the motion. Upon roll call votes were as follows: Harold Montgomery, yea; Joe Foster, yea; Lois Snyder, yea.

KA SEWER – ENGINEERING AMENDMENT # 2

The County Administrator presented the Commission with Engineering Amendment # 2 for Stantec for the KA Sewer Project. Additional engineering fees are needed due to the contractor's failure to complete the project within the approved contract extensions. This amendment assumes the contractor will complete the project in the next 6 weeks and will have minimal punch list items to complete. If the project goes to the bonding company additional fees will be required. This amendment adds \$15,000 to Basic Engineering and \$26,000 to Inspection, increasing the overall contract total to \$723,385.87. Lois Snyder moved and Harold Montgomery seconded the motion to approve the amendment. Upon roll call votes were as follows: Harold Montgomery, yea; Joe Foster, yea; Lois Snyder, yea.

RESOLUTION - 2012 HEALTH INSURANCE RENEWAL

County Administrator Karen Sprague discussed with the Commission receipt of two dental insurance proposals: one could not be awarded to non-school contract and the other did not have an acceptable network in Gallia County and the surrounding areas. Ms. Sprague recommended the Commission renew the Dental Health Insurance Plan for Gallia County Employees for FY 2012 (February 1, 2012 thru January 31, 2013) with United Healthcare as follows:

- 2012 Renewal rates for Dental Insurance are at a 15.7% increase from 2011 billed rates as follows:
 - Single changing from \$25.04 in 2011 to \$28.96 per month in 2012
 - Family changing from \$68.88 in 2011 to \$79.68 per month in 2012
 - Recommendation to buy down the 2012 rate increase from the 105 Plan Fund
 - 105 Fund currently has a cash balance of \$266,517.06
 - 15.7% buy down will use \$22,262.40 from the 105 Fund
 - Final rates will be at a 0% increase for employees and fund shares for 2012
- Lois Snyder made and Joe Foster seconded the motion. Roll call votes: Ms. Snyder, yea; Mr. Foster, yea; Mr. Montgomery, yea.

FY 2012 health insurance rates for the Gallia County Employees are as follows:

- Single Plan
 - Med/Drug \$484.62
 - Cost Share \$80.00
 - Dental \$25.04
 - Vision \$8.04
 - Life/AD&D \$3.60
 - Total \$601.30
- Family Plan
 - Med/Drug \$1,332.68
 - Cost Share \$160.00
 - Dental \$68.88
 - Vision \$18.20
 - Life/AD&D \$3.60
 - Total \$1,583.36

AMEND JOURNAL MOTION

County Administrator Karen Sprague requested the Commission amend journal motion dated 1/5/2012 on Journal Volume 46 Page 302 & 303 regarding allocation of \$4,000 to Townships for FY 2012 to include additional language stating Morgan Township's allocation will be redirected as repayment to the County General Fund and will not receive \$4,000 during FY 2012 and will not receive \$1,346.90 of the \$4,000 for FY 2013.

Due to financial difficulties Morgan Township did not have the funds to make the payment in time to coincide with the grant deadline of 12/31/2011. Therefore, Gallia County had to cover the township local match for the Chamberlain Road paving project in the amount of \$5,346.90, a FY 2010 CDBG Formula project for which the county is required to bid out and sign contracts which makes Gallia County the project owner and responsible for the amount of the contract. Harold Montgomery entertained a motion to approve the amendment to the journal as noted. Lois Snyder moved and Joe Foster seconded the motion. Roll call votes: Mr. Montgomery, yea; Mr. Foster, yea; Ms. Snyder, yea

EXECUTIVE SESSION – PERSONNEL

At 3:10 p.m. the President entertained a motion to enter into executive session with HR Manager Terry Hemby to discuss a personnel issue regarding disciplinary action. Lois Snyder made and Joe Foster seconded the motion; roll call: Mr. Montgomery, yea; Mr. Foster, yea; Ms. Snyder, yea. Ms. Hemby left the session at 3:15 p.m. Commissioners returned to regular session at 3:42 p.m.; no action taken.

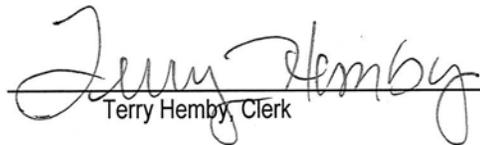
Commissioners attended the Township Association Meeting at 7pm.

ADJOURN

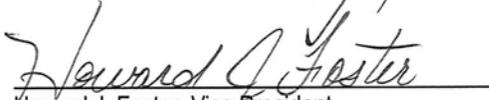
At 8:30 p.m. President Montgomery entertained a motion for adjournment; Joe Foster made and Lois Snyder seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Foster, yea; Ms. Snyder, yea.



Harold G. Montgomery, President



Terry Hemby, Clerk



Howard J. Foster, Vice President



Lois M. Snyder, Commissioner