

**FEBRUARY 14, 2013**

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: President Harold G. Montgomery, present; Vice President David K. Smith, present; Commissioner Brent Saunders, present.

The President entertained a motion for approval of the February 7, 2013 minutes. Brent Saunders made and David K. Smith seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Smith, yea; Mr. Saunders, yea.

<b>TRAVEL REQUESTS</b>				
<b>DEPARTMENT</b>	<b>NAME</b>	<b>DATE</b>	<b>TO</b>	<b>RE:</b>
EMA	Sherry Daines Tim Miller	2/19	Hocking County	SE OH EMA meeting
EMA	Tim Miller	2/26	Athens County	Health Care Coalition mtg.

The President entertained a motion to approve travel requests as submitted. Brent Saunders made and David K. Smith seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Smith, yea; Mr. Saunders, yea.

<b>Animal Shelter Canine Weekly Report</b>													
<b>Week Ending</b>	<b>Came in</b>	<b>Adopted</b>	<b>Reclaimed</b>	<b>Euthanized</b>	<b>Rescued</b>	<b>MIA</b>	<b>Died (Natural Causes)</b>	<b>Destroyed (in field)</b>	<b>To Foster Care</b>	<b>Back from Foster</b>	<b>Foster Care Total</b>	<b>Total Out</b>	<b>Shelter Total</b>
2/11	13	9	0	0	9	0	0	0	2	1	2	20	32

**HOTEL LODGING TAX DISTRIBUTION**

Commissioners received the distribution of the 4<sup>th</sup> Quarter 2012 hotel lodging tax from the County Auditor reporting \$38,261.36 being made to the Ohio Valley Visitor's Center. The report is on file in the Commissioner's office.

**EQUITABLE SHARING AGREEMENT - SHERIFF**

The Board received an Equitable Sharing Agreement and Certification from the Sheriff's Office. David K. Smith made and Brent Saunders seconded the motion for President Montgomery to sign the certification. Roll call: Mr. Montgomery, yea; Mr. Smith, yea; Mr. Saunders, yea.

**ATHENS COUNTY SUPPORT LETTER**

Commissioners approved the following support letter.

*The Honorable John Kasich  
Governor of Ohio  
Riffe Center, 30<sup>th</sup> Floor  
77 South High Street  
Columbus, Ohio 43215-6117*

*Dear Governor Kasich,*

*We, the Gallia County Commissioners, are extremely concerned over the recent decision to move at least 47 jobs at the Payment Analysis and Account Reconciliation Office at The Plains in Athens County to Columbus. Many employees may not be able to endure this hardship and therefore lose their job. In order to maintain their jobs, these employees will have to endure additional travel time and considerable expenses.*

*We ask that your office consider alternative solutions regarding this matter. Our local Job and Family Services office, as well as Athens County has already made significant staff reductions due to funding cuts.*

*We appreciate any consideration you make to keep the jobs in Athens County.*

*Respectfully submitted,*

*SI Harold G. Montgomery, President  
SI David K. Smith, Vice President  
SI Brent Saunders, Commissioner*

**RURAL KING PURCHASE ACCOUNT**

County Administrator Karen Sprague presented the Commission with paperwork to establish a purchase account through John Deere Financial at the Gallipolis Rural King store. The account will be used for the County Commissioner departments to purchase items under tax exempt status; the County will then be billed monthly and can then pay the full amount from the appropriate departmental budget. Harold Montgomery entertained a motion to approve as presented. Brent Saunders made and David Smith seconded the motion. Upon roll call votes were as follows: Harold Montgomery, yea; David Smith, yea; Brent Saunders, yea.

**CDBG - FY 2008 WATER/SEWER GRANT EXTENSION AGREEMENT APPROVAL  
B-W-08-1AY-1**

County Administrator Karen Sprague presented the Commission with Ohio Department of Development grant agreement extension forms for the FY 2008 Water/Sewer grant for the County's Kanauga/Addison Sewer Project. Harold Montgomery entertained a motion to approve and sign the grant agreement extension forms as presented for a 4<sup>th</sup> grant extension as follows:

- Project Completion: December 31, 2013
- Payment Requests: January 31, 2014
- Final Performance Report: February 28, 2014

David Smith moved and Brent Saunders seconded this motion. Upon roll call votes were as follows: Harold Montgomery, yea; David Smith, yea; and Brent Saunders, yea.

**FY 2013 CDBG FORMULA PROGRAM**

Karen Sprague presented the Commission with the FY 2013 CDBG Formula Program Packets which will be distributed at this First Public Meeting to be held as follows: Tuesday, March 5, 2013 at 7:00 PM in the Gallia County Courthouse, Commissioners Office. Karen Sprague also asked that date and the Packet contents be approved as presented, including the 2013 Project Rating Sheet. David Smith made and Brent Saunders seconded a motion to set the date as stated above and approve the 2013 packets. Upon roll call votes were as follows: Harold Montgomery, yea; David Smith, yea; Brent Saunders, yea.

**FINANCIAL REPORT REVIEW**

County Administrator Karen Sprague presented the Commission with:

- Reviewed February 2013 Sales Tax report
- Reviewed 5<sup>th</sup> Amended Certificate of Resources

**HSTS GRANT – PAYMENT REQUEST # 2**

County Administrator Karen Sprague presented the Commission with Payment Request # 2 for the HSTS (Home Sewage Treatment System Improvements Grant) for the following properties under contract # 2 with Ron Evans Enterprises LLC:

- 1253 Sugar Creek Road, Crown City, Ohio - \$7,750.00
- Total = \$7,750.00

Harold Montgomery entertained a motion to approve payment request # 2 as submitted. Brent Saunders moved and David Smith seconded the motion. Upon roll call votes were as follows: Harold Montgomery, yea; David Smith, yea; Brent Saunders, yea.

**EXECUTIVE SESSION-PERSONNEL**

At 9:34 a.m. the President entertained a motion to enter into executive session to discuss a personnel issue regarding the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee. Brent Saunders made and David Smith seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Smith, yea; Mr. Saunders, yea. At 9:38 am Commissioners requested Brenda Wright, Asst. Dog Warden to join in executive session. At 9:55 am Brenda Wright exited the executive session. Returned to regular session at 9:58 a.m.; no action taken.

**2013 1<sup>st</sup> CAUCUS MEETING**

Commissioners and County Administrator Karen Sprague left the office at 10:00 am to attend the 1<sup>st</sup> Round Caucus meeting with OVRDC for FY 2013 in the second floor meeting room. Returned to meeting at 11:05 am.

**ENGINEER**

County Engineer Brett Boothe spoke to the Commission regarding the OPWC program. Mr. Boothe stated he would like the County Engineer to oversee the ranking process, or at least be on the committee. He also noted he would like the ranking to coincide with the District ranking. The Commissioners will take the matter under advisement.

**APEG**

John Molinaro, President and CEO and Katy Farber, Project Manager, with the Appalachian Partnership For Economic Growth informed the Commission they are a subsidiary of the Ohio Appalachian Business Council and are committed to accelerating sustainable business growth, job creation, and advancing the southeast Ohio economy through targeted economic development support and regional collaboration. APEG is forming a network of local and regional organizations focused on transforming economic development together to build sustainable, widely-shared prosperity. Initial funding came from a JobsOhio Network grant, matched with private business contributions. The grant serves a 25-county southeast region. Ms. Farber stated she is working with Economic Director Melissa Clark in job retention, expansion, and building relationships. The Commission appreciates any help provided. Economic Director Melissa Clark was in attendance.

**FFA WEEK PROCLAMATION**

The following were in attendance to request approval of a Proclamation for FFA Week in Gallia County: South Gallia FFA - Dave Pope, Lexie Johnson, Bailie Corbin & Hailey Wallis. Buckeye Hills FFA – Joe Engle; Gallipolis FFA – Jerrod Ferguson & Jimmy Clagg; River Valley FFA – Patrick Brown & William Holcomb. David K. Smith made and Brent Saunders seconded the motion to make the following proclamation. Roll call: Mr. Montgomery, yea; Mr. Smith, yea; Mr. Saunders, yea.

**GROW****FFA WEEK FEBRUARY 16-23, 2013**

*Whereas, FFA and agricultural education provide a strong foundation for the youth of America and the future of the food, fiber and natural resources systems; and*

*Whereas, FFA promotes premier leadership, personal growth and career success among its members; and*

*Whereas, agricultural education and FFA ensure a steady supply of young professionals to meet the growing demands in the science, business and technology of agriculture; and*

*Whereas, the FFA motto-"learning to do, doing to learn, earning to live, living to serve"  
-gives direction of purpose to these students who take an active role in succeeding in agricultural education; and*

*Whereas, FFA promotes citizenship, volunteerism, patriotism and cooperation.*

*Therefore, I do hereby designate the week of February 16 through 23, 2013, as FFA Week.*

*s/ Harold G. Montgomery, President*

*s/ David K. Smith, Vice President*

*s/ Brent Saunders, Commissioner*

HEALTH INSURANCE

John and Scott Saunders of Saunders Insurance introduced Melinda Brown, Client Manager of Medical Mutual of Ohio. They will be working on getting meetings together for the wellness program and setting up employee meetings. Commissioners stated most important thing for our group is getting a fast response on claims.

\* Commissioners attended sewer meeting in the second floor meeting room of the Courthouse from 1:00 pm to 1:50 pm.

SHERIFF-OVERTIME GRANT

Brent Saunders made and David K. Smith seconded the motion to authorize President Montgomery to sign the following "Standard Assurances". Roll call: Mr. Montgomery, yea; Mr. Smith, yea; Mr. Saunders, yea.

**OMB APPROVAL NUMBER 1121-0140**  
**As modified by the Office of Criminal Justice Services**  
**Pursuant to request of the OJP Office of Civil Rights**

STANDARD ASSURANCES

*The Applicant hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars A-21, A-87, A-102, A-110, A-122, A-133; Ex. Order 12372 (intergovernmental review of federal programs); and 28 C.F.R. pts. 66 or 70 (administrative requirements for grants and cooperative agreements). The applicant also specifically assures and certifies that:*

1. *It has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.*
2. *It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.*
3. *It will give the awarding agency or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.*
4. *It will comply with all lawful requirements imposed by the awarding agency, specifically including any applicable regulations, such as 28 C.F.R. pts. 18, 22,23, 30, 35, 38, 42, 61, and 63, and the award term in 2 C.F.R. § 175.15(b).*
5. *It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).*
6. *It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which include:*
  - *Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d);*
  - *Victims of Crime Act (42 U.S.C. § 10604(e));*
  - *The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b));*
  - *Civil Rights Act of 1964 (42 U.S.C. § 2000d);*
  - *Rehabilitation Act of 1973 (29 U.S.C. § 7 94);*
  - *Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34);*
  - *Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86);*
  - *Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07);*
  - *Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).*
  - *Equal Treatment for Faith-Based Organizations (28 C.F.R. pt. 38)*
  - *Nondiscrimination; Equal Employment Opportunity; Policies and Procedures (28 C.F.R. pt. 42)*

***In accordance with federal civil rights laws, the subrecipient shall not retaliate against individuals for taking action or participating in action to secure rights protected by these laws.***

***Additionally, all grant recipients (including subgrantees or contractors) agree to report any complaints, lawsuits, or findings from a federal or state court or a federal or state Administrative Agency regarding a civil rights finding.***

7. *If a governmental entity:*

- a. *it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally- assisted programs; and*
- b. *it will comply with requirements of 5 U.S.C. §§ 1501-08 and §§ 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.*

KANAUGA/ADDISON PAYMENT RESOLUTION # 37

County Administrator Karen Sprague presented the Commission with Payment Resolution # 37 for the Kanauga/Addison Sewer Project for the following items:

- AEP billing - \$191.58
- AT&T billing - \$70.32
- Thomas Do-It Center - \$50.25
- Stantec - \$10,393.81
- Bricker & Eckler LLP - \$68.75
- SOTE - \$70,411.30
- Total = \$81,186.01

Harold Montgomery entertained a motion to approve payment resolution # 37 as submitted and approve Stantec issuance of a construction change directive to SOTE to delete the Island Avenue & Liberty Avenue work from the

construction contract. David Smith moved and Brent Saunders seconded the motion. Upon roll call votes were as follows: Harold Montgomery, yea; David Smith, yea; Brent Saunders, yea.

**EXECUTIVE SESSION-CONTRACT**

At 3:13 <sup>pm</sup> ~~am~~, the President entertained a motion to enter into executive session with Karen Sprague to discuss contracts. Brent Saunders made and David Smith seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Smith, yea; Mr. Saunders, yea. Returned to regular session at 3:40 <sup>pm</sup> ~~am~~; no action taken.

**EMS UNION CONTRACT APPROVAL**

The Commissioners were in receipt of two copies of the approved union contract between the Gallia County Emergency Services and United Mine Workers of America for the period effective February 14, 2013 – February 13, 2016. Brent Saunders made and David K. Smith seconded the motion to sign the contract as approved. Roll call: Mr. Montgomery, yea; Mr. Smith, yea; Mr. Saunders, yea.

AND UNITED MINE WORKERS OF AMERICA

(REPRESENTING EMS EMPLOYEES)

RESOLUTION APPROVING TENTATIVE COLLECTIVE BARGAINING AGREEMENT  
BETWEEN THE GALLIA COUNTY BOARD OF COUNTY COMMISSIONERS

BY THE BOARD:

WHEREAS, Ohio Revised Code Chapter 4117 establishes collective bargaining procedures for public employers and public employees; and

WHEREAS, pursuant to the provisions of Ohio Revised Code Chapter 4117, it is the desire of this Board that the tentative collective bargaining agreement attached hereto and made a part hereof be received and approved.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gallia County, Ohio, that the tentative collective bargaining agreement between this Board and the United Mine Workers of America, on behalf of EMS employees to be effective for three (3) years from the date of this resolution, a copy of which is attached hereto and made a part hereof, be and the same hereby is approved; and

BE IT FURTHER RESOLVED that Mr. Brian D. Butcher, Labor Consultant, and Mr. Larry Boyer, Director, are authorized to execute the attached collective bargaining agreement on behalf of the Employer; and

BE IT FURTHER RESOLVED that the Clerk of the Board be and hereby is authorized and directed to certify two (2) copies of this resolution to Mr. Brian D. Butcher, Clemans, Nelson and Associates, 485 Metro Place South, Dublin, Ohio 43017, who shall forward one (1) such copy to Mr. Phil Camden, Business Agent, United Mine Workers of America.

ADOPTED at a regularly adjourned meeting of the Board of County Commissioners of Gallia County, Ohio, this 14<sup>th</sup> day of February, 2013.

Mr. Montgomery yea                      Mr. Smith yea                      Mr. Saunders yea

**CERTIFICATE OF CLERK**

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution adopted by the Board of County Commissioners in session the 14<sup>th</sup> day of February, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Office of County Commissioners of Gallia County, Ohio this 14<sup>th</sup> day of February, 2013.

*s/ Lana J. Lane, Clerk*  
Board of County Commissioners  
Gallia County, Ohio

**EMS ARBITRATION AGREEMENT APPROVAL**

The President entertained a motion to approve the arbitration agreement between the Gallia County EMS and United Mine Workers of America, Local 911, Case # 12-54057. David K. Smith made and Brent Saunders seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Smith, yea; Mr. Saunders, yea.

**COMMUNITY ACTION PROXY**

The President entertained a motion to approve the following proxy. David K. Smith made and Brent Saunders seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Smith, yea; Mr. Saunders, yea.

Gallia-Meigs Community Action Agency  
8010 North State Route 7  
P.O. Box 272  
Cheshire, OH 45620

To Whom It May Concern;

The Gallia County Commissioners do hereby appoint Lana J. Lane, Clerk to the Board, as a proxy to vote on our behalf and conduct business as needed. She will be replacing Terry Hemby, as she has retired.

If you have any questions, please contact us at your convenience.

Sincerely,

*s/ Harold G. Montgomery, President*

**EMERGENCY DECLARATION – COURTHOUSE ROOF REPAIR**

County Administrator Karen Sprague presented the Commission with a letter of opinion from County Prosecuting Attorney Jeff Adkins denoting that ORC 307.86 allows the declaration of an emergency if extraordinary circumstances exist whereby quick action needs to be taken to avoid actual physical disaster to structures to protect the courthouse or any other facilities as long as the Commissioners make a unanimous vote that a real and present danger exists. Ms. Sprague further noted that per County Building Superintendent and the three contractors that provided written quotes, the roof has failed, needs replaced immediately as it is already leaking into the Probate Court offices, where during rain

events they are placing buckets within the office to catch the water and there is damage to ceiling tiles in those areas. President Montgomery entertained a motion to declare an emergency with regard to repair of the courthouse roof. Brent Saunders made and David K. Smith seconded the motion declaring an emergency. Roll call: Mr. Montgomery, yea; Mr. Smith, yea; Mr. Saunders, yea.

#### COURTHOUSE ROOF QUOTES

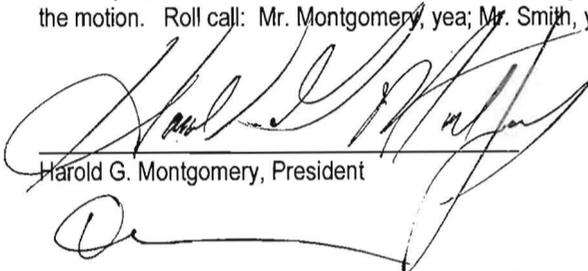
County Administrator Karen Sprague presented the Commission with three written quotes from area contractors that specialize in membrane roofs. Those quotes were as follows:

- Cosam Contracting South, LLC of Portsmouth, Ohio - \$74,958.00. Cosam will reinstall the metal coping cap on parapet walls and apply a coat of high quality oil base paint. Cosam's quote does include state prevailing wage rates.
- Hash's Construction Company Inc. of Bidwell, Ohio - \$110,000.00. Hash's quote includes new coping cap on parapet walls. Hash's quote does include state prevailing wage rates.
- AKM Roofing Company of Chillicothe, Ohio - \$118,912.00. AKM's quote includes new coping cap on parapet walls. AKM's quote does include state prevailing wage rates.

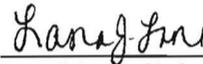
Brent Saunders made and David K. Smith seconded the motion to award the project to Cosam Contracting South, LLC of Portsmouth, Ohio for \$74,958.00 contingent upon a recommendation of concurrence from TSHD Architects that this is the lowest and best bid. Roll call: Mr. Montgomery, yea; Mr. Smith, yea; Mr. Saunders, yea.

#### ADJOURN

At 4:10 p.m. The President entertained a motion for adjournment. David K. Smith made and Brent Saunders seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Smith, yea; Mr. Saunders, yea.



Harold G. Montgomery, President



Lana J. Lane, Clerk



David K. Smith, Vice President



Brent Saunders, Commissioner