

FEBRUARY 28, 2019

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

The President entertained a motion for approval of the February 21, 2019 minutes. Harold G. Montgomery made and Brent Saunders seconded motion. Roll call: Mr. Saunders, yea; Mr. Montgomery, yea; Mr. Smith, absent for vote.

TRAVEL REQUESTS				
DEPARTMENT	NAME	DATE	TO	RE:
Commissioners	Harold G. Montgomery & Melissa Clark	2/28	Waverly, Ohio	OVRDC Executive Committee Mtg
DJFS	Lori Church, Kathy Campbell & Belinda Jones	3/7	Columbus, Ohio	Fred Pryor Mngmt. Seminar
Econ Dev	Melissa Clark	3/12	Jackson, Ohio	APEG Qtrly Econ Dev Group Mtg
Econ Dev	Melissa Clark	3/18	Chillicothe, Ohio	APEG Insights of Region Mtg
Econ Dev	Melissa Clark	3/28	Athens, Ohio	APEG Strategic Direction Work Session

The President entertained a motion to approve travel requests as submitted. Harold G. Montgomery made and Brent Saunders seconded motion. Roll call: Mr. Saunders, yea; Mr. Montgomery, yea; Mr. Smith, absent for vote.

2019 Canine Shelter Weekly Report														
Week Ending	Came in	Adopted	Reclaimed	Euthanized	Out to Rescue	MIA	Died (Natural or unknown Causes)	Destroyed (in field)	Total Out	Remaining at shelter	Out to County Foster	In from County Foster	Died in Foster (Natural or Unknown Causes)	Total in Foster
2/24	9	4	0	0	10	0	0	0	14	11	0	0	0	1

MMO HRA SET-UP FORM

County Administrator Karen Sprague presented the Commission with a revised Medical Mutual of Ohio HRA Set-up Form as required due to the change in the county paid share of deductible for employee health insurance. Harold Montgomery made and Brenda Saunders seconded the motion to approve and sign the revised HRA Set-up Form. Roll call votes: Mr. Saunders, yea; Mr. Montgomery, yea; Mr. Smith, absent for vote.

EXECUTIVE SESSION - LEGAL

At 9:42 a.m. the President entertained a motion to enter into executive session with Prosecutor Jason D. Holdren Sheriff Matthew D. Champlin to discuss legal. Harold G. Montgomery made and Brent Saunders seconded the motion. Roll call: Mr. Saunders, yes; Mr. Montgomery, yea; Mr. Smith, absent for vote. At 10:13 a.m. Mr. Holdren and Mr. Champlin exited the session. Returned to regular session at 10:14 a.m.; no action taken.

OSU – AGENCY UPDATE

Director Tracy Winters and ANR Educator Jeff Moore presented the Commission with an agency update of various activities and presented a copy of their newsletter. The following are a few of the activities and upcoming events

- December 11th – Tracy took part in the STATE STEM team Conference call to discuss opportunities in STEM programming for 2019.
- December 13th - Jeff conducted the Gallia County Junior Fair Steer Weigh in. 82 Steers were weighed in
- January 15th – Camp counselor applications were due. 34 applications were turned in
- January 24th – Jeff held an Estate Planning Workshop
- 4-H College Scholarships are due March 1st
- Gallia County was selected as 1 of 26 counties to be part of the 4-H Tech Changemakers, a digital training program using teens to tech adults about computers
- Jeff and Tracy are working with Chris Blank to help get a Gallia County Beekeepers Association up and running. First meeting of the Gallia County Beekeepers Association is March 1st
- April 1st – May 15th is 4-H National Raise Your Hand campaign

911 – BUCKEYE HILLS CAREER CENTER – CONTRACT

Harold G. Montgomery made and Brent Saunders seconded the motion to approve the following Contract as presented and recommended by 911/EMA Director Sherry Daines. Roll call: Mr. Saunders, yea; Mr. Montgomery, yea; Mr. Smith, absent for vote.

CONTRACT FOR SERVICES

AN AGREEMENT entered into between The Gallia County 911 center and the Board of Education of the Gallia-Jackson-Vinton Joint Vocational School District in Gallia County, Ohio; the said Gallia County 911 center hereby agrees to Provide APCO 40hr Public Safety Telecommunicator training in the schools of the said district as specified by the Board of Education for the period beginning July 1, 2018 and ending June 30, 2019

IN CONSIDERATION for such services, the said Board of Education agrees to reimburse, at the office of its Treasurer, to the said, **Gallia County 911 Center**, the sum of **\$1779.40 for the instructor plus the cost of the course materials and tests up to \$1400.00**

Entered into at Rio Grande, Ohio this **28th** Day of **February, 2019**

Board of Commissioners
Gallia County
s/ Brent Saunders, President
s/ Sherry Daires, 911 Director
Attest to form
s/ Jason D. Holdren, Prosecuting Attorney

Board of Education
Gallia-Jackson-Vinton JVSD
President
Treasurer

BID AWARD – BULAVILLE PIKE SLIP IMPROVEMENT PROJECT

Commissioners were in receipt of the following recommendation and contract:

February 26, 2019

Gallia County Commissioners
18 Locust Street, Room 1292
Gallipolis, OH 45631

Dear Commissioners,

I have reviewed the proposals for the "2019 BULAVILLE PIKE SLIP REPAIR GALLIA COUNTY, OHIO" project.

The lowest bid was received from D.G.M., Inc. The bid is responsive and within 10% of the engineer's estimate. The contractor meets all specifications and is qualified to perform the work.

Therefore, it is my recommendation that the above named project be awarded to D.G.M., Inc.

Sincerely,
s/ Brett A. Boudke, P.E., P.S.
Gallia County Engineer

CONTRACT

THIS AGREEMENT, made and entered into this 28th day of February, 2019, by and between the Board of County Commissioners of Gallia County, Ohio acting by and through Mark Salisbury, Vice President, hereinafter designated the Owner, and D.G.M., Inc of the City of Boaxer, County of Pike and State of Ohio hereinafter designated the Contractor, for the Project 2019 Bulaville Pike Road Slip Repair for the amount of \$246,924.00

WITNESSETH, that the parties to these present, each in consideration of the undertakings, promises and agreements on the parts of the other herein contained, have undertaken, promised and agreed and do hereby undertake, promise and agree, the owner for itself, its successors and assigns, and the contractor for itself and its heirs, executors, administrators, successors and assigns, as follows:

That the contractor, in consideration of the sums of money herein specified to be paid by said owner to said contractor, shall and will at their own cost and expense, furnish all labor, materials and equipment necessary to complete the entire project in accordance with the Proposal submitted on February 21, 2019 and in accordance with the Specifications, General Provisions and Special Provisions and the Drawings therein mentioned which Specifications, General Provisions and Special Provisions and the Drawings, together with Advertisement, Information for Bidders, Proposal and Bonds are hereby made a part of this Agreement, and incorporated by reference herein, all of said work to be fully completed to the satisfaction of the Engineer and to the acceptance of the Board of County Commissioners, Gallia County, Ohio.

Attest: Contactor D.G.M., Inc. By *s/ Mark A. Salisbury*
Board of Commissioners, Gallia County, Ohio, By *s/ Brent Saunders*, President
s/ Harold G. Montgomery, Vice President

The President entertained a motion to award the bid and sign the contract as recommended by Assistant Engineer Beth Y. Lozier. Harold G. Montgomery made and Brent Saunders seconded the motion. Roll call: Mr. Saunders, yea; Mr. Montgomery, yea; Mr. Smith, absent for vote.

EXECUTIVE SESSION - LEGAL

At 11:33 a.m. the President entertained a motion to enter into executive session with County Administrator Karen Sprague for a phone conference with the county bond counsel Dennis Schwallie to discuss a legal matter with regard to sales tax. Harold G. Montgomery made and Brent Saunders seconded the motion. Roll call: Mr. Saunders, yes; Mr. Montgomery, yea; Mr. Smith, absent for vote. Returned to regular session at 11:50 a.m.; no action taken.

RECESSED

The President, due to the absence of Commissioner Smith, entertained a motion to recess until Friday March 1, 2019 at 11:00 a.m. to amend the sales tax resolution as recommended by the County's Bond Counsel Dennis Schwallie after consultation with the Ohio Tax Commissioners Office. Harold G. Montgomery made and Brent Saunders seconded the motion. Roll call: Mr. Saunders, yea; Mr. Montgomery, yea; Mr. Smith, absent for vote.

March 1, 2019**RECONVENE**

The meeting reconvened on **Friday, March 1st, 2019** at 11:00 a.m. with all 3 Commissioners present. The meeting was called to order by President Brent Saunders to amend the sales tax resolution as recommended by the County's Bond Counsel Dennis Schwallie after consultation with the Ohio Tax Commissioners Office. Roll call: Mr. Saunders, yea; Mr. Montgomery, yea; Mr. Smith, yea.

The Board of County Commissioners of Gallia County, Ohio, met in regular session with the following members present, on March 1, 2019, at the office of said board of county commissioners, located at the County Courthouse, 18 Locust Street, Gallipolis, Ohio, with the following members present:

Brent Saunders Harold G. Montgomery David K. Smith

Absent: None

Harold G. Montgomery moved the adoption of the following resolution:

RESOLUTION NO. N/A

RESOLUTION AMENDING THE RESOLUTION ADOPTED JANUARY 10, 2019 LEVYING
AN ADDITIONAL ONE-FOURTH OF ONE PERCENT SALES AND USE TAX

WHEREAS, this board of county commissioners adopted a resolution levying an additional 0.25% sales and use taxes (the "2019 Taxes") on January 10, 2016 (the "Prior Resolution") as an emergency measure to (i) provide additional revenue to this county's General Fund for a continuing period of time commencing April 1, 2019, and (b) make the aggregate of all sales and use taxes levied by this county equal the maximum permitted by Ohio law (i.e., 1.50%); and

WHEREAS, this board of county commissioners has been advised that the Prior Resolution contained an error in that it referred to the 2019 Taxes as being levied pursuant to Ohio Revised Code ("ORC") Sections 5739.026 and 5741.023, respectively, instead of ORC Sections 5739.021 and 5741.021, respectively;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Gallia County, Ohio that (all the members thereof concurring) that:

SECTION 1. This board of county commissioners hereby finds and determines that:

- In adopting the Prior Resolution, it was this board's intention that the County levy the maximum aggregate amount of sales and use taxes permitted under ORC Sections 5739.021, 5739.026, 5741.021 and 5741.023 (i.e., 1.50%);
- The references in the Prior Resolution to such Sections 5739.026 and 5741.023 were a scrivener's error and by correcting such error as provided in this resolution, this board will:
 - be honoring its intention that an additional 0.25% tax is urgently needed for General Fund purposes for the reasons set forth in the Prior Resolution, regardless of the statutory provisions referred to therein;
 - avoid confusing this county's taxpayers who have been advised of the 2019 Taxes and their April 1, 2019 effective date through the public notices and hearings held prior to the adoption of the Prior Resolution and media reports; and
 - with the Ohio Tax Commissioner's consent, allow the 2019 Taxes to take effect on April 1, 2019 as stated in the Prior Resolution, thereby allowing this county to address its financial needs resulting from the emergency conditions set out in the Prior Resolution at the earliest possible time;
 - not adversely affect this county's taxpayers, since when compared to the alternative of starting over and going through the entire process of levying the 2019 Taxes, the sum of this county's sale and use taxes would be the same (i.e., the legal maximum of 1.50%);
 - not adversely affect this county's ability to levy additional sales and use taxes since in any case, such 1.50% legal maximum under all the applicable sales and use tax statutes will have been exhausted; and
 - avoid the time, expense and fiscal distress due to lost tax revenue that redoing the proceedings for the 2019 Taxes would entail.

SECTION 2. The references in the Prior Resolution to ORC Sections 5739.026 and 5741.023 are hereby amended to instead refer to ORC Sections 5739.021 and 5741.021, respectively.

SECTION 3. In all other respects, the Prior Resolution is hereby approved, ratified and confirmed.

SECTION 4. The clerk of this board of county commissioners is directed to certify a copy of this resolution to the Ohio Tax Commissioner for receipt as soon as practicable after its adoption.

SECTION 5. It is found and determined that all formal actions of this board of county commissioners concerning and relating to the adoption of this resolution were adopted in an open meeting of this board of county commissioners, that all deliberations of this board of county commissioners and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements including Ohio Revised Code Section 121.22.

SECTION 6. This resolution shall go into effect immediately upon its adoption.

David K. Smith seconded the resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

AYES: Brent Saunders Harold G. Montgomery David K. Smith

NAYS: None

ADOPTED, March 1, 2019.

s/ Anette L. Brown
Clerk, Board of Commissioners,
Gallia County, Ohio

CERTIFICATE

The undersigned hereby certifies that the text of the foregoing resolution is taken and copied from the record of proceedings of a meeting of the Board of County Commissioners of the County of Gallia, Ohio, held on March 1, 2019. The undersigned further certifies that the same has been compared by me with said record and it is a true and correct copy thereof, together with a true and correct copy of excerpts from the minutes of said meeting to the extent pertinent to the consideration and adoption of said resolution.

s/ Anette L. Brown
Clerk, Board of Commissioners,
Gallia County, Ohio

CERTIFICATE

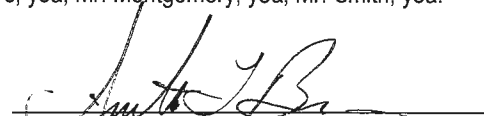
The undersigned certifies that a true copy of the foregoing resolution was filed with the Tax Commissioner of the State of Ohio on March 1, 2019.

s/ Anette L. Brown
Clerk, Board of Commissioners,
Gallia County, Ohio

ADJOURN

At 11:30 a.m. on **Friday, March 1st, 2019** the President entertained a motion for adjournment. David K. Smith made and Harold G. Montgomery seconded the motion. Roll call: Mr. Saunders, yea; Mr. Montgomery, yea; Mr. Smith, yea.


Brent Saunders, President


Anette L. Brown, Clerk


Harold G. Montgomery, Vice President


David K. Smith, Commissioner