

THE DULY ELECTED MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, OHIO, MET IN REGULAR SESSION ON OCTOBER 22, 2015 IN ACCORDANCE WITH OHIO REVISED CODE 305.05, WITH THE FOLLOWING MEMBERS PRESENT: DAVID A. WHITE, PRESIDENT, RICK G. WALTERS, MEMBER, AND RONALD L. FEATHERS, MEMBER. THE MEETING WAS CALLED TO ORDER AT 9:00 A.M. BY THE PRESIDENT OF THE BOARD. MR. WHITE LED THOSE ATTENDING IN THE PLEDGE OF ALLEGIANCE TO OUR FLAG.

Also attending were Muskingum Township Trustee Gary Doan, Glen Pawloski, John Fisher, Laura Bradley, and Clerk Rick Peoples.

**Washington County Commissioners
AGENDA
9:00 a.m., October 22, 2015**

9:00 Business Meeting

UNFINISHED BUSINESS

Road Use Maintenance Termination Agreement

NEW BUSINESS

Approve Agenda
Approval of previous meeting's minutes
Bills from various departments
Initial Appropriation – Children Services
Additional Appropriation – Children Services
Additional Appropriation – Developmental Disabilities
Transfer – Family & Children First
Transfer – Building Department
Transfer – Developmental Disabilities
Then & Now's
Travel – Job and Family Services
Travel – Family & Children First (2)
Travel – Building Department
Resolution Authorizing Filing of ODOT Application
ODOT Elderly & Disabled Transit Fare Assistance Program Grant
Status Report for Chip Program (2)
Response to W.P. Snyder, Jr. Restoration Project Audit
Appointment to Ohio Public Works Commission Local Committee for Round 30
Request to Pay Postage Costs for Prospective Juror Notices
Waiver of Conflict of Interest with Law Firm
Engineer – Bids Received for the 2015 Centerline Striping Project
Engineer – Contract with Aero-Mark for 2015 Centerline Striping Project

INFORMATION

Port Authority Board Meeting, 7:30 a.m., **Tuesday**, October 27, at Washington State

RE: AGENDA

Mr. Feathers moved and Mr. Walters seconded a motion to accept the agenda.

A calling of the roll resulted in the following vote: David White aye, Rick Walters aye, Ronald Feathers aye. Motion passed.

RE: APPROVAL OF MINUTES

Mr. Walters moved and Mr. Feathers seconded a motion to approve the minutes for the October 15, 2015 meeting, and to dispense with the reading of them.

A calling of the roll resulted in the following vote: David White aye, Rick Walters aye, Ronald Feathers aye.

RE: PAYMENT OF BILLS

Mr. Feathers moved and Mr. Walters seconded a motion to approve the payment of bills from various departments.

A calling of the roll resulted in the following vote: David White aye, Rick Walters aye, Ronald Feathers aye. Motion passed.

RE: INITIAL APPROPRIATIONS

Mr. Walters moved and Mr. Feathers seconded a motion to approve the following request for initial appropriations:

Children Services	200-0744-51001	\$ 6,095.00
	200-0744-51101	89.00
	200-0744-51102	854.00
	200-0744-51104	2,200.00
	200-0740-52000	17,000.00
Developmental Disabilities	200-0622-53000	\$16,287.74

Commissioner Feathers noted the request from Children Services for an additional appropriation of \$17,000.00 into Travel is due in part to the large expense the Agency has incurred for staff visits to children placed at locations outside of Washington County.

A calling of the roll resulted in the following vote: David White aye, Rick Walters aye, Ronald Feathers aye. Motion passed.

RE: TRANSFERS

Mr. Walters moved and Mr. Feathers seconded a motion to approve the following requests for transfer of funds:

	<u>From</u>	<u>To</u>	<u>Amount</u>
Family & Children First	602-2033-53001	602-2033-54000	\$ 500.00
	602-2033-53001	602-2033-55204	1,570.00
County General	100-0170-51001	100-0170-53000	\$ 5,705.00
Developmental Disabilities	210-0620-55300	210-0620-51105	\$ 85,000.00
	210-0620-55300	210-0620-53200	5,000.00

A calling of the roll resulted in the following vote: David White aye, Rick Walters aye, Ronald Feathers aye. Motion passed.

RE: THEN & NOW'S

Mr. Feathers moved and Mr. Walters seconded a motion to approve the following Then & Now's:

Dept	Account	Vendor	Amount
Commissioner/Sewer Commissioners	400-0113-53000	Sterling Service	\$ 650.00
	100-0109-54000	Auto Paint Works	\$ 218.93

A calling of the roll resulted in the following vote: David White aye, Rick Walters aye, Ronald Feathers aye. Motion passed.

RE: TRAVEL

Mr. Walters moved and Mr. Feathers seconded a motion to approve the following requests for reimbursement of expenses for training and travel pursuant to the policies and procedures and in compliance with the Annual Appropriations for Fiscal Year 2015 and any and all amendments subsequent thereto:

JFS

Candy Nelson: One-day trip to Hancock County to attend Shared Services meeting; November 3, 2015.

Family & Children First

Jon Higgins: One-day trip to Caldwell to pick up blankets at the Noble County Correctional Institute; October 26, 2015.

Terri McGoye: Two-day trip to Homestead, Pennsylvania to attend Help Me Grow Parents as Teachers training; October 21-22, 2015 (retroactive approval).

Building Department

Chris Wilson: One-day trip to Reynoldsburg to attend appeals hearing; October 26, 2015.

A calling of the roll resulted in the following vote: David White aye, Rick Walters aye, Ronald Feathers aye. Motion passed.

RE: RESOLUTION AUTHORIZING FILING OF ODOT GRANT

Mr. Feathers moved and Mr. Walters seconded a motion to adopt the following Resolution:

WHEREAS, the State of Ohio has made available funds to assist public transportation systems in Ohio; and

WHEREAS, the Community Action Bus Lines (CABL) is the transit operator for Washington County, Ohio; and

WHEREAS, the CABL Bus Lines is presently providing transit services and observing all federal and state rules regarding these programs.

NOW, THEREFORE, BE IT RESOLVED that the Honorable David A. White, President, is hereby authorized to file an application and execute contracts for the Ohio Elderly and Disabled Transit Fare Assistance Program on behalf of the Board of Commissioners of Washington County, Ohio; and

BE IT FURTHER RESOLVED that the Honorable David A. White, President, is authorized to furnish such additional information as the Ohio Department of Transportation may require in connection with these applications.

A calling of the roll resulted in the following vote: David White aye, Rick Walters aye, Ronald Feathers aye. Motion passed.

RE: ODOT ELDERLY & DISABLED TRANSIT FARE ASSISTANCE PROGRAM GRANT

Mr. Feathers moved and Mr. Walters seconded a motion to approve a grant from the Ohio Department of Transportation (ODOT) from its Elderly & Disabled Transit Fare Assistance Program, in the amount of \$6,748.00, and to allow Mr. White to sign the Contract.

A calling of the roll resulted in the following vote: David White aye, Rick Walters aye, Ronald Feathers aye. Motion passed.

RE: CHIP PROGRAM STATUS REPORTS

Mr. Walters moved and Mr. Feathers seconded a motion to approve Status Reports to the Ohio Development Agency for the following Community Housing Impact and Preservation Program (CHIP) grants:

B-C-14-1CY-1
B-C-14-1CY-2

A calling of the roll resulted in the following vote: David White aye, Rick Walters aye, Ronald Feathers aye. Motion passed.

RE: CORRECTIVE ACTION PLAN, W.P. SNYDER, JR. RESTORATION PROJECT AUDIT

Mr. Feathers moved and Mr. Walters seconded a motion to approve the following Corrective Action Plan for the recent Ohio Department of Transportation (ODOT) audit of the W.P. Snyder, Jr. Restoration Project, Phase II:

October 22, 2015

*Andrea Stevenson
Administrator
Ohio Department of Transportation
Office of Local Programs
1980 West Broad Street
Columbus, Ohio 43223*

Re: **CORRECTIVE ACTION PLAN**

Dear Andrea:

We received the audit results from the recent Ohio Department of Transportation review of our W.P. Snyder, Jr. Restoration Project, Phase II. We appreciate the review, and understand the comments.

As the Local Public Agency (LPA) for this project, we worked with the Ohio History Connection (OHC) to develop this Corrective Action Plan. We hope it meets with your approval.

Corrective Action Plan

The purpose of this plan is to develop documentation and procedures that will improve the quality of administering Federal projects in the future and enhance the Local Let program of the Ohio Department of Transportation.

Deficiency 1: *A selection for cost recovery was not made on the LPA agreement.*

Commitment: *Even when not seeking reimbursement for overhead and fringe benefits, OHC will select an appropriate option for cost recovery, and document this choice for the LPA according to Section 15.1 of the LPA agreement.*

Deficiency 2: *The Consultant Agreement did not appear to provide clear project requirements.*

Commitment: *OHC will re-write its Consultant Agreement to provide clear, concise project requirements, consistent with the project specifications.*

Deficiency 3: The language in the bid document did not appear to be accurate and definitive.

Commitment: The language in the bid documents will be reviewed in detail for this project and previous versions will be discarded. OHC shall condense its contract language and incorporate the ODOT template by reference to lessen the chance of errors. In detail, the following will be reviewed:

- Time of Completion will be consistent between all sections of the specifications including Section I Paragraph 1.12 Time of Completion, and Section II Contract Conditions.
- Language related to wages rates shall be revised to "The wages paid...shall not be less than the wage rates set forth by the USDOL as of the date the wage is due."
- The ODOT LPA template will be referenced in its entirety, but not actually included in the bid documents. The template shall be incorporated by reference.
- The specifications shall be reviewed completely to remove contradictory language.
- The overall "Intent" language shall be consistent throughout the project, including the bid documents as well as in the contract between OHC and the prime contractor.
- The requirement of the primary Contractor's portion of the contract sum to be at least 30% shall be stated in the bid documents as a Federal requirement rather than an ODOT requirement.

Deficiency 4: There were no formal procedures in place for ensuring the prime contractor retained 30% of the original contract price and ensuring effective use of the Federal Excluded Parties Listing System (EPLS); EPLS is now currently the System for Award Management (SAMS).

Commitment: For ODOT Local Programs, OHC shall develop a written procedure to ensure the prime contractor retains 30% of the contract amount. In addition to providing the schedule of values, the prime contractor must be required to document its percentage of the retained amount with each payment application. Additionally, OHC shall establish a formal, written policy to make use of the Federal Excluded Parties Listing System and document its use during the selection process of the prime contractor.

Deficiency 5: The historical society does not currently have written procedures for bid opening, review, and award.

Commitment: Although OHC has a formal procedure in conducting bid openings, reviews, and contract awards, the procedure shall be documented and made available to reviewers and auditors.

Deficiency 6: There did not appear to be any support to document the contractor's actual payments made to the subcontractors.

Commitment: With each pay request, OHC shall require its prime contractor to provide documentation of previous payments to its subcontractors in the form of lien waivers. Language stating this requirement shall be placed in the contract documents.

Deficiency 7: The consultant and prime contractor were not able to provide daily diaries for the project.

Commitment: OHC will include requirements in its project specifications to add the requirement for daily diaries on the part of the prime contractor by the method of completing ODOT form CA-D-3SM, "Inspector's Daily Work Report". In addition to tracking daily activities, the contractor shall be required to document:

- Pay quantities
- Change orders/change directives
- Inspections
- Prevailing wage and EEO interviews
- Disadvantaged Business Enterprise (DBE) notations as applicable

Deficiency 8: Sufficient detail was not provided in the change orders to identify whether the change order items were eligible for Federal funding.

Commitment: The procedure for approving and documenting change orders shall be revised and instituted to document the change and the reason the work is necessary and eligible for State and Federal funding. Additionally, before the change is authorized for payment, OHC shall obtain approval from the District Construction Monitor and include the LPA representative's signature.

Deficiency 9: The LPA Final Report was not provided to the ODOT District within 6 months of the physical completion of the project.

Commitment: Prior to final payment, OHC shall submit the LPA Appendix P Final Report Form to the district for approval.

Deficiency 10: A waiver was obtained from ODOT to use the Historical Society's marine consultant; however, a formal agreement had been entered into with the consultant prior to the waiver being approved.

Commitment: Before executing any contract with a consultant, OHC shall seek documented approval from the District, especially when seeking a waiver to use the same consultant for both the preparation of bid documents and construction administration.

Deficiency 11: The historical society's agreement with the consultant did not include FHWA or State requirements.

Commitment: When executing contracts with its consultants, OHC shall include FHWA Federal and ODOT State requirements by reference to insure compliance with these requirements.

Deficiency 12: It appears with one of the change orders that additional costs were charged for aesthetic preferences.

Commitment: The LPA is reimbursing the State or Federal grant for the cost of the paint color change. According to the sub-agreement between the LPA and OHC, OHC shall bear all costs associated with the construction project and consequently shall reimburse the LPA for these expenses.

Deficiency 13: It did not appear that the consultant maintained accurate time-tracking or invoiced the historical society appropriately.

Commitment: OHC shall change its method of consultant selection and require any consultant to itemize its costs of sub-consultants. Additionally, OHC shall require accurate timekeeping and project expense reports before approving any consultant invoice or presenting this invoice for reimbursement to the LPA. OHC shall change its reviews of consultant invoices to insure accuracy by requiring this additional level of detail from its consultants and sub-consultants.

We extend our appreciation to Stephanie Wagenschein and Fred Smith for working so diligently and cooperatively in this review of the W.P. Snyder, Jr. Restoration Project, Phase II. As we proceed with Phase III, this review will provide valuable guidance and procedures to follow.

Please review this Plan, Andrea, to ensure it meets with federal and state guidelines.

Sincerely,

/s/ WASHINGTON COUNTY COMMISSIONERS

The Clerk explained the audit was conducted by ODOT. He noted Washington County served as the Local Public Agency (LPA) for the funding and the project was administered by the Ohio Historical Society (now known as Ohio History Connection). As such, he said, the audit report was addressed to the County. The Clerk said he and Fred Smith from the Ohio History Connection prepared the Corrective Action Plan, which must be forwarded to ODOT by October 26, 2015.

The Clerk noted Finding #12 includes a requirement to pay back to ODOT the amount of \$4,595.00, which is being invoiced to the Ohio History Connection with the assurance they will pay that amount to the County.

A calling of the roll resulted in the following vote: David White aye, Rick Walters aye, Ronald Feathers aye. Motion passed.

RE: APPOINTMENT TO OPWC LOCAL COMMITTEE FOR ROUND 30

Mr. Feathers moved and Mr. White seconded a motion to appoint Commissioner Rick Walters to the Ohio Public Works Local Committee, Round 30.

A calling of the roll resulted in the following vote: David White aye, Rick Walters aye, Ronald Feathers aye. Motion passed.

RE: REQUEST FOR COMMISSIONERS TO PAY JUROR NOTICES POSTAGE EXPENSE

Mr. Feathers moved and Mr. Walters seconded a motion to approve payment of postage costs from Commissioners funds for the mailing of notices to prospective jurors in December 2015, for the estimated cost of \$2,613.00, as requested by Sheriff Larry Mincks.

A calling of the roll resulted in the following vote: David White aye, Rick Walters aye, Ronald Feathers aye. Motion passed.

RE: WAIVER OF CONFLICT OF INTEREST WITH USE OF LAW FIRM

Mr. Feathers moved and Mr. Walters seconded a motion to table consideration of declaring a waiver of conflict of interest in the City of Marietta's intended use of Squire Patton Boggs, LLP, to represent the City of Marietta in possible litigation against Washington County, until additional information can be secured.

The Commissioners instructed the Clerk to issue to the City of Marietta a public records request for all payments made by the City of Marietta to Squire Patton Boggs LLP and Squire Sanders & Dempsey LLP during the period January 1, 2011 through October 22, 2015, showing dates and amounts paid, to aid in determining the depth of relationship between the

City and the law firm.

A calling of the roll resulted in the following vote: David White aye, Rick Walters aye, Ronald Feathers aye. Motion passed.

RE: BIDS RECEIVED FOR 2015 CENTERLINE STRIPING PROJECT

Mr. Feathers moved and Mr. Walters seconded a motion to accept the following bids for the 2015 Centerline Striping Project, as received and opened by County Engineer Roger Wright, and to award the contract to Aero-Mark, Inc., as recommended by Mr. Wright:

Oglesby Construction	\$ 50,966.86
Aero-Mark, Inc.	\$ 45,382.33
Griffin Pavement Striping, Inc.	\$ 52,772.40

A calling of the roll resulted in the following vote: David White aye, Rick Walters aye, Ronald Feathers aye. Motion passed.

RE: CONTRACT WITH AERO-MARK, INC. FOR 2015 CENTERLINE STRIPING PROJECT

Mr. Feathers moved and Mr. Walters seconded a motion to approve a contract in the amount of \$45,382.33 with Aero-Mark, Inc., for the 2015 Centerline Striping Project, as prepared and requested by County Engineer Roger Wright.

A calling of the roll resulted in the following vote: David White aye, Rick Walters aye, Ronald Feathers aye. Motion passed.

RE: COMMENTS FROM VISITORS

Muskingum Township Trustee Gary Doan invited the Commissioners to attend the Washington County Trustees Association Annual Fall Banquet to be held this evening at the Washington County Career Center.

Devola resident Laura Bradley said she is aware of, and concerned about, the large amounts of money the City of Marietta has recently committed to spend or borrow. Having attended meetings of City Council, she said the amounts include, to the best of her recollection:

- \$1,300,000 for the purchase of new water meters
- \$ 500,000 for the installation of new water meters
- \$ 716,700 loan from Ohio Public Works Commission
- \$ 137,540 loan from Ohio Public Works Commission
- \$ 35,000 study for Harmar lift station upgrade
- \$ 83,350 Stantec Consultants

She said she believes the City is committing funds without much regard as to where the money will come from to repay.

President White said for the most part these funds are for the City's Enterprise Fund, which must be self-sufficient. As a result, he said, water and sewer customers on the City's systems will be repaying these amounts over a number of years.

Coal Run resident John Fisher expressed his concern over increasing traffic on Tick Hill Road, as a result of installation and operation of a new gas well on that road. He noted the road is straight for a long distance, which allows for high rate of speed for many drivers. He asked if there is a way to temporarily lower the speed limit on Tick Hill Road. Commissioner Feathers said the speed limit on a township road cannot be changed without a study being done to determine if it is warranted. Mr. White said it might be possible, though, to temporarily lower the speed limit without such a study. Mr. Walters said he lives along that road, too, and he will talk with County Engineer Roger Wright to see if something can be done to make the road safer during this time of gas well installation and production.

RE: ADJOURNMENT

Mr. Feathers moved and Mr. Walters seconded a motion to adjourn.

A calling of the roll resulted in a unanimous vote in favor. The meeting adjourned at 9:40 a.m.

_____, President

_____, Vice President

_____, Member

_____, Clerk

