

## Wayne County Commissioners' Agenda

- Pledge of Allegiance to the Flag
- Call to Order Regular Session of April 17, 2024
- Announcement of Commissioners in Attendance
- Reminder to those attending today's Session to speak to a Resolution at the podium, please state your name & department for the audio recording minutes
- Approval of Agenda
- Approval of minutes from April 10, 2024 through April 16, 2024
- Oath of Office: Jamie L. Imhoff, Deputy Clerk for the Board of Commissioners
  
- **Proclamation Presentation**: National Animal Care and Control Appreciation Week

Date	Res. #	Resolution Title
4/17	2024-183	<b>Approval of County Bills</b>
4/17	2024-184	<b>Approval of County Home Bills</b>
4/17	2024-185	<b>Fund Transfer Approval</b>
4/17	2024-186	<b>Appropriation of Funds Authorization</b>
4/17	2024-187	<b>Personnel Change Approval</b>
4/17	2024-188	<b>Travel/Training Expense Approval</b>
4/17	2024-189	<b>Special Event Expense Approval</b>
4/17	2024-190	<b>Approval of Plat for Chio Plat</b>
4/17	2024-191	<b>Approval to Apply for an Ohio Airport Improvement Program Grant, from Ohio Dept. of Transportation, Office of Aviation (ODOT) for the Wayne County Airport (KBJJ) (FY2025)</b>
4/17	2024-192	<b>Approval of Revised Wayne County, Ohio Procurement Plan</b>
4/17	2024-193	<b>Approval of Grant Acceptance from County Engineers Association of Ohio (CEAO) for Local Bridge Replacement (LBR) Funding for a Bridge Replacement Project on Canaan Center Road (WAY-CR 51-3.28) Over Killbuck Creek (Canaan Township)</b>
4/17	2024-194	<b>Approval of Delinquent Sewer Charges Certification</b>
4/17	2024-195	<b>Approval of Permit to Occupy Right of Way for Stated Obstructions</b>
4/17	2024-196	<b>Authorization of Grant Application to the Mental Health &amp; Recovery Board of Wayne and Holmes Counties for Funding for an Assisted Outpatient Treatment Program on Behalf of Probate and Juvenile Court</b>
4/17	2024-197	<b>Authorization to Appoint the Medina County Prosecutor as Special Prosecutor</b>
4/17	2024-198	<b>Approval of Change Order #3 to the Contract with Simonson Construction Services for the Wayne County Health Department and Red Cross Building Renovation Project</b>
4/17	2024-199	<b>Public Hearing Scheduled for Agricultural Security Area (ASA) Application (ORC 931)</b>

# Resolution

No. 2024-183

## Board of Wayne County Commissioners

Ron Amstutz    Jonathan Hofstetter    Sue A. Smail

*Adopted:* April 17, 2024

*Subject:* **Approval of County Bills**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

Computer run dated April 16, 2024 for County Bills in the amount of \$272,438.45; Interagency Transaction/Payment batch #8785 & 8787 in the amount of \$75,846.16; and any Then & Now Certificates are hereby approved for payment.

As taxing authority, the Then & Now Certificates submitted as of this date for Board of Elections; Children Services; Department of Developmental Disabilities; Mental Health & Recovery Services; Soil & Water; and Veterans Services are approved for processing by the Auditor.

The vote is as follows: Ron Amstutz yea    Jonathan Hofstetter yea    Sue A. Smail yea

### CERTIFICATE

I, Jamie L. Imhoff, Deputy Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

  
\_\_\_\_\_  
Jamie L. Imhoff, Deputy Clerk

# Resolution

No. 2024-184

*Board of Wayne County Commissioners*  
*Ron Amstutz    Jonathan Hofstetter    Sue A. Smail*

*Adopted:* April 17, 2024

*Subject:* **Approval of County Home Bills**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

Computer run dated April 16, 2024 for County Home Bills in the amount of \$47,541.30 and any Then & Now Certificates are hereby approved for payment.

The vote is as follows: Ron Amstutz yea    Jonathan Hofstetter yea    Sue A. Smail yea

## CERTIFICATE

I, Jamie L. Imhoff, Deputy Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

  
\_\_\_\_\_  
Jamie L. Imhoff, Deputy Clerk

# Resolution

No. 2024-185

Board of Wayne County Commissioners  
Ron Amstutz Jonathan Hofstetter Sue A. Smail

Adopted: April 17, 2024  
Subject: Fund Transfer Approval

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

Department	Amount	From (Fund)	From Approp Acct	To (Fund)	To Receipt Acct
Municipal Court	\$75,792.08	Fund 020 (B20) Municipal Court Computerization	B020B02 Transfers 020.3405.02.6150.000.000	Fund 023 (B50) Court System Computerization Municipal Court	RB050B09 Transfers in 023.3400.00.4904.000.000
Court ordered transfer of computerization funds					
Capital Improvement Environmental Services	\$28,000.00	State & Local Fiscal Recovery Fund 229	Contract Services U229-U04 229.0000.11.5430.000.000	Perm. Impr. Sewer Fund 356	<u>Secret</u> Sewer Project N007-B01 356.0190.00.4900.000.000
To transfer funds in accordance with Res. 2024-123					
Capital Improvement Environmental Services	\$31,000.00	State & Local Fiscal Recovery Fund 229	Contract Services U229-U04 229.0000.11.5430.000.000	Perm. Impr. Sewer Fund 356	<u>Sterling</u> Sewer Project N007-B01 356.0190.00.4900.000.000
To transfer funds in accordance with Res. 2024-124					

The vote is as follows: Ron Amstutz yea Jonathan Hofstetter yea Sue A. Smail yea

## CERTIFICATE

I, Jamie L. Imhoff, Deputy Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

  
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Jamie L. Imhoff, Deputy Clerk

# Resolution

No. 2024-186

Board of Wayne County Commissioners  
Ron Amstutz Jonathan Hofstetter Sue A. Smail

Adopted: April 17, 2024

Subject: **Appropriation of Funds Authorization**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

Dept.	Amount	Account Description	Account	GEMS
Wayne County Emergency Management Agency	\$61,650.00	Misc Expenses PERG Federal (EMA) Grant	T034-T09	225.0150.03.5900.000.000
To account for PERG grant funds				
Federal Grants	\$100,000.00	Return of Grant Funds	T030-T60	218.5000.04.6000.000.000
Federal Grants	\$204,800.00	Contract Services Safer St	T030-T30	218.5000.04.5430.000.000
To account for additional funds appropriated from unappropriated funds				

The vote is as follows: Ron Amstutz yea Jonathan Hofstetter yea Sue A. Smail yea

## CERTIFICATE

I, Jamie L. Imhoff, Deputy Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

  
\_\_\_\_\_  
Jamie L. Imhoff, Deputy Clerk

# Resolution

No. 2024-187

## Board of Wayne County Commissioners

Ron Amstutz    Jonathan Hofstetter    Sue A. Smail

*Adopted:* April 17, 2024

*Subject:* **Personnel Change Approval**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

Department	Name	Title	Effective Date	Status Change
Commissioners	Jamie Imhoff	Deputy Clerk to the Board	4/8/2024	Correction to Resolution 2024-130. Deputy Clerk until Clerk's Retirement (6/28/24)
Care Center	Peggy Hatten	STNA	4/23/2024	New Hire – FT
Care Center	Jessica Maurer	STNA	4/23/2024	New Hire – PT

The vote is as follows: Ron Amstutz yea    Jonathan Hofstetter yea    Sue A. Smail yea

### CERTIFICATE

I, Jamie L. Imhoff, Deputy Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

  
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Jamie L. Imhoff, Deputy Clerk

# Resolution

No. 2024-188

Board of Wayne County Commissioners  
Ron Amstutz Jonathan Hofstetter Sue A. Smail

Adopted: April 17, 2024

Subject: Travel/Training Expense Approval

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

Dept./Person	Where	Date	Travel	Travel (taxable)	Seminar, Conf., Mtg., etc.
<b>Municipal Court</b>					
David Baney	Cleveland	5/1/-5/3/2024	570.36	75.00	Ohio Association for Court Administration (OACA)
<b>Probate/Juvenile Court</b>					
Latecia Wiles	Cuyahoga Falls	6/3-6/6/2024	584.80	0	2024 Annual Conference
<b>Emergency Management</b>					
Tom Brennan	Virtual	6/5/2024	0	0	Sunshine Laws Certification Training
<b>Engineer</b>					
Craig Wuthrich	Columbus	8/20-8/22/2024	750.00	0	Nonredundant Steel Tension Members
<b>Child Support</b>					
Shayne Oehlhof, Nathan Franck, Daniel Starett, Tara Shearer, Kelsey Brubaker, Karen Waddell, Laura Vales, Jessica Rohr, April Simms, Beth Meininger, Kara Casey, Samantha Lilley-Burns	Virtual	4/22-4/23/2024	875.00	0	Ohio Child Support Professionals Association (OCSPA-fka OCDA) Spring Symposium Training
<b>Common Pleas Court</b>					
Karl Kubb, Sarah Coy, Al Hartzler	Lewis Center	4/3/2024	242.40	45.00	Court Technology Conference Note: This is a correction. Original resolution on 3/20/24 inadvertently showed \$0.00 expenses.

The vote is as follows: Ron Amstutz yea Jonathan Hofstetter yea Sue A. Smail yea

## CERTIFICATE

I, Jamie L. Imhoff, Deputy Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

  
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Jamie L. Imhoff, Deputy Clerk

# Resolution

No. 2024-189

Board of Wayne County Commissioners  
Ron Amstutz    Jonathan Hofstetter    Sue A. Smail

*Adopted:* April 17, 2024

*Subject:* **Special Event Expense Approval**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

Department	Event/Purpose (items being purchased)	Date	Expenses Not to Exceed
<b>Emergency Management</b>	Amish Health & Safety Day - Security Items	7/30/2024	410.00
<b>Engineer</b>	Wayne County Fair – Community Education (booth fee; backdrop; tickets; printed materials)	9/7-9/12/2024	750.00

The vote is as follows: Ron Amstutz yea    Jonathan Hofstetter yea    Sue A. Smail yea

## CERTIFICATE

I, Jamie L. Imhoff, Deputy Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

  
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Jamie L. Imhoff, Deputy Clerk



# Resolution

No. 2024-190

*Board of Wayne County Commissioners*  
*Ron Amstutz   Jonathan Hofstetter   Sue A. Smail*

*Adopted:* April 17, 2024

*Subject:* **Approval of Plat for Chio Plat**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the replatting and renumbering of the original lot 43 and 44 for the Chio Plat situated in Chester Township N.W. & N.E. Qtr. Section 30; Wayne County, Ohio, owned by Steven A. & Tracy A. Chio is hereby approved.

The vote is as follows: Ron Amstutz yea   Jonathan Hofstetter yea   Sue A. Smail yea

## CERTIFICATE

I, Jamie L. Imhoff, Deputy Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

  
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Jamie L. Imhoff, Deputy Clerk

# Resolution

No. 2024-191

*Board of Wayne County Commissioners*  
*Ron Amstutz    Jonathan Hofstetter    Sue A. Smail*

*Adopted:* April 17, 2024

*Subject:* **Approval to Apply for an Ohio Airport Improvement Program Grant, from Ohio Dept. of Transportation, Office of Aviation (ODOT) for the Wayne County Airport (KBJJ) (FY2025)**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

WHEREAS, the Wayne County Airport is a general Aviation service airport serving Wayne County and the surrounding area since 1963, owned and operated by the County of Wayne, Ohio ("the Airport"); and

WHEREAS, ODOT is administrating funds to provide financial assistance to publicly owned airports in the State through the Ohio Airport Improvement Program; and

WHEREAS, Wayne County is eligible for funding to rehabilitate the runway (crack seal, seal coat and remark) at KBJJ;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Wayne County, Ohio, that:

- Section 1. Approval is hereby granted to apply for an Ohio Airport Improvement Program Grant from ODOT for KBJJ in accordance with the procedures prescribed by ODOT and to sign all related documents and assurances.
- Section 2. The Board of Wayne County Commissioners hereby incorporate into this resolution all of the aforesaid recitals, and they are rendered to be findings by the Board.
- Section 3. The Board of Wayne County Commissioners also finds that all formal actions of its Board concerning and relating to the passage of this Resolution were passed in an open meeting of this Board that was properly noticed.
- Section 4. The President of the Board and the County Administrator, on behalf of the Board, are separately and individually authorized to execute any and all necessary documents to manage said grant inclusive of amendments and submissions of applications for payment as required by ODOT.

The vote is as follows: Ron Amstutz yea    Jonathan Hofstetter yea    Sue A. Smail yea

## CERTIFICATE

I, Jamie L. Imhoff, Deputy Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

  
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Jamie L. Imhoff, Deputy Clerk

# Resolution

No. 2024-192

*Board of Wayne County Commissioners*  
*Ron Amstutz    Jonathan Hofstetter    Sue A. Smail*

*Adopted:* April 17, 2024

*Subject:* **Approval of Revised Wayne County, Ohio Procurement Plan**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that approval is hereby granted of the revised Wayne County, Ohio Procurement Plan (see Exhibit A).

The vote is as follows: Ron Amstutz yea    Jonathan Hofstetter yea    Sue A. Smail yea

## CERTIFICATE

I, Jamie L. Imhoff, Deputy Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

  
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Jamie L. Imhoff, Deputy Clerk

Exhibit A

**WAYNE COUNTY**

**OHIO**

**PROCUREMENT PLAN**

(In Compliance with Uniform Grant Guidance (UGG) Regulations for Federal Funds)

# PROCUREMENT PLAN

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			Contract Monitoring Procedure

# WAYNE COUNTY PROCUREMENT PLAN

## SECTION 1 – PROCUREMENT STANDARDS

### 1.1 PREFACE:

The plan outlined herein establishes standards and guidelines for the procurement of all services, supplies and equipment as well as the awarding and administration of contracts for departments of Wayne County, Ohio (WCO), collectively referred to as “department” through the contract authority of the Wayne County Commissioners.

The Ohio Revised Code and Chapter 5101:9-4 of the Ohio Administrative Code (O.A.C.) establish general standards and guidelines based on federal and state statutes, rules, and office of management and budget (OMB) circulars for procurement for supplies, rental or lease agreements, equipment, service contracts, contracts for construction and other projects

### 1.2 APPLICABLE LAW:

This plan was written in accordance with all applicable regulations, rules and guidelines as established in: the Ohio Revised Code (ORC); Ohio Administrative Code (O.A.C.); Code of Federal Regulations (CFR) 45 CFR Part 92 for Funds distributed by The Department of Health and Human Services (HHS); 7 CFR Part 3016.36 for Funds distributed by The Department of Agriculture Food & Nutrition Service (FNS); 29 CFR Part 97 for Funds distributed by The Department of Labor (DOL); The Ohio Department of Job & Family Services Fiscal Administrative Procedural Manual (FAPM); the Federal Office of Management and Budget (OMB) 2 CFR Part 225 (OMB Circular A-87) and 2 CFR 200, OMB circulars A-102, A-133 and local laws. Wayne County will, as a matter of policy, comply with all directives found in the aforementioned citations whether or not specifically contained in this plan. Non-profit Providers under contract with Wayne County must follow 2 CFR Part 230 (OMB Circular A-122).

### 1.3 EXCEPTION – SUBGRANT AGREEMENTS: (O.A.C. 5101:9-4-07 ( A ) ( 2 ) & 5101:9-4-07( 3 )( b ))

Subgrant agreements funded in whole or in part with federal funds do not represent acquisitions and are not subject to the requirements contained in this rule providing that such relationships are documented between the entities. CFSA's and local WIOA areas shall inform sub-grantees of applicable procurement requirements in any contract or other applicable types of agreements used in awarding the contract or grant. Acquisitions listed that are procured with federal block grants authorized by the Omnibus Budget Reconciliation Act of 1981 and the "Child Care and Development Block Grant of 1990," as amended, are excluded from the requirements of this rule. However, CFSA's and local WIOA areas shall adhere to state and local standards of acquisition.

### 1.4 PROCUREMENT AUTHORITY:

Pursuant to the Ohio Revised Code, the Board of Wayne County Commissioners maintains primary authority to negotiate procurement for the efficient administration of the county acquisitions and projects. All procurement will be made in accordance with good administrative practice and sound business judgment. The procurement activities within the Commissioners' Office are centralized under the direction of the County Administrator (Administrator). The Wayne County Board of Commissioners (herein called **BOARD**) will provide for settlement of all contractual and administrative issues arising out of procurement entered into in support of local, state and/or federal grants. The BOARD will refer all violations of law to local, state or federal authorities having proper jurisdiction. The BOARD understands federal and/or state law does not relieve the BOARD of any contractual responsibilities.

**2.1 ABUSE OF POSITION:** *(O.A.C. 5101:9-4-04)*

Pursuant to O.A.C. 5101:9-4-04, any employee involved in the procurement, award or administration of a contract shall maintain prudent judgment in matters involving the Department. Employees shall not abuse their positions when making decisions relating to the award of contracts to individuals or firms.

**2.2 CONFLICT OF INTEREST:** *(O.A.C. 5101:9-4-04 ( D )( 3 ))*

Should a conflict of interest arise between a vendor and an employee responsible for awarding contracts, the employee must immediately notify the Administrator of the relationship. It is the policy of the Board to relieve said employee from further involvement with the specified procurement negotiations or administration. No employee shall participate in the selection, award or administration of a contract when a financial, personal or other interest exists due to the following:

- (1) The employee or any member of the employee's immediate family;
- (2) The employee or agent's partners or business associates;
- (3) Any organization in which any of the above is an officer or employee.
- (4) Any organization with whom any of the above is negotiating or has any arrangements concerning prospective employment.

**2.3 PERSONAL INTEREST:** *(O.A.C. 5101:9-4-04 ( D )( 2 ))*

No employee shall personally sell, attempt to sell or act in a representative capacity for a vendor or other person attempting to sell any goods or services to the Department.

**2.4 GIFTS & GRATUITIES:** *(O.A.C. 5101:9-4-04 ( D )( 1 ))*

Employees shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors or potential contractors. Any Vendor seeking a contract with Wayne County shall **not** promise or give an employee anything of personal or monetary value.

Employees must immediately inform the Administrator of any offers of monetary value from contractors or potential contractors.

**2.5 VIOLATIONS & PENALTIES:** *(O.A.C. 5101:9-4-04 ( D )( 11 ), ( 12 ) and (13); O.A.C. 5101:9-4-04 ( E ))*

The Administrator will enforce this rule to the maximum extent within the legal and practical capacity available under law. Depending upon the severity of offense, penalties shall include verbal or written reprimand, and/or suspension or termination of employment and/or referral to the County Prosecutor for further legal action at the discretion of the Administrator or BOARD. A Vendor who violates this requirement is subject to termination or disallowance of a contract and prosecution for criminal violations.

## **SECTION 3 – FREE COMPETITION**

### **3.1 ASSURANCE OF COMPETITION:**

All procurement transactions of WCO, regardless of whether by sealed bids or by negotiation and without regard to dollar value, will be conducted in a manner so as to provide for maximum open and free competition within state and federal guidelines. WCO will at all times be alert to organizational conflicts of interest and non-competitive practices among vendors that restrict or eliminate competition or restrain trade.

When procuring goods or services through competitive negotiation or sealed bids, the specifications developed by WCO will be based on a clear and accurate description of the technical requirements for the material, product or service to be procured. The specifications will not contain any features which unduly restrict competition by giving one vendor an unfair advantage or disadvantage over another. The specifications will not include unnecessary experience levels or bonding requirements. Specifications will not be so narrowly defined as to cite only a brand name as the competitive choice. Brand names will be used in certain specification when necessary only to illustrate or clarify a minimum level of compliance.

In order to ensure objective specifications, vendors solely and directly responsible for the development of specifications shall be excluded from competing for such procurement.

### **3.2 MINORITY & WOMEN-OWNED BUSINESS: (O.A.C. 5101:9-4-06)**

Without restraining competition, WCO will make positive efforts to utilize small, minority and women-owned businesses as sources of supplies and services. Said efforts will include assuring that small and minority businesses are solicited whenever they are a potential resource, establishing delivery schedules which will encourage participation by small and minority businesses, dividing total contract requirements into small tasks or quantities to permit maximum small and minority business participation when economically feasible.

WCO will take an affirmative action in support of minority and women-owned companies directly as well as requiring prime vendors to adhere to and certify a like philosophy.

**Support will not be provided to the extent of avoiding competitive bidding requirements.**



## **SECTION 4 – COMPETITIVE BIDDING**

### **4.1 PROCUREMENT METHODS: (O.A.C. 5101:9-4-07.01)**

WCO will utilize **one of five** methods of procurement as outlined in Fiscal Administrative Procedural Manual Transmittal Letter (FAPMTL) No. 325 and pursuant to O.A.C. 5101:9-4-07.01 on all purchases and as defined in the Uniform Grant Guidance directives. The methods, based on monetary threshold, are:

- (1) Micro purchases;
- (2) Small purchase procedures;
- (3) Competitive bidding by Sealed Bids
- (4) Competitive Proposals
- (5) Procurement by Non-Competitive Proposals

As provided for in Section 3 of this plan, WCO will promote open and free competition in all procurement transactions regardless of the specific procurement method employed. All procurement will be made in compliance with the ORC, 2 CFR Part 200, and the Fiscal Administrative Procedure Manual, the ORC and UGG.

### **4.2 COST AND PRICE ANALYSIS: (O.A.C. 5101:9-4-07 ( B )( 1 ))**

Prior to any procurement or contract modification, WCO will perform an informal, non-binding comparative Cost or Price analysis, using common vendors or other methods, to determine the potential cost level and appropriate procurement method to follow.

**“Price analysis”** - the process of examining, evaluating and comparing a proposed price to determine if it is fair and reasonable, without evaluating its separate cost elements. Comparison should be with other prices and quotations submitted; published catalog or market prices; prices set by law or regulation; prices for the same or similar items; prior quotations for the same or similar items; market data (indexes); or other standardized data. Documentation for said quotes will be maintained with the purchase order or bid file.

**“Cost analysis”** - the review and evaluation of the separate cost elements and the application of judgment to determine how well the proposed costs represent what the cost should be, assuming reasonable economy and efficiency. Comparisons should be with actual costs previously incurred by the same supplier; previous cost estimates for the same or similar items; other cost estimates received in response to the solicitation; independent cost estimates by technical personnel; or forecasts of planned expenditures.

### **4.3 MICRO-PURCHASE PROCEDURES/THRESHOLD: (O.A.C 5101:9-4-07.1 ( B )( 1 ))**

The micro-purchase procedures method of procurement will be used when supplies or services in which the aggregate dollar amount does not exceed the micro-purchase threshold as set by the federal acquisition regulation at 48 C.F.R. subpart 2.1., currently an aggregate dollar amount not to exceed \$10,000. Micro-purchases may be awarded without soliciting quotes if 1) price is considered reasonable; and 2) to the extent possible, micro-purchases are distributed equitably among qualified suppliers. A reasonable effort will be made to get at least two quotes when feasible.

## **SECTION 4 (Continued) – COMPETITIVE BIDDING**

### **4.4 SMALL PURCHASE PROCEDURES/THRESHOLD: (O.A.C. 5101:9-4-07.1 ( B )( 3 ))**

The small purchase procedures method of procurement will be used when making relatively simple and informal purchases when: (1) the aggregate cost is **more than \$10,000 but less than \$75,000**; (2) annual needs can be anticipated during one (1) county fiscal year; and (3) goods and services can logically be purchased from one vendor. As used here, aggregate value relates to purchases which may reasonably and in good faith be deemed to constitute a separate contract or purchase order. Except for one time emergencies, like items or services will not be purchased separately in deference to the aggregate threshold.

WCO will contact at least three (3) suppliers of the product or service to be procured, giving them the same information about the requirements. When selecting the vendor, WCO will use prudent judgment considering such facts as delivery time, administrative exigency, transportation costs and product availability. WCO will maintain written documentation identifying date vendors called, price lists used, name of person or company contacted, price quote and pertinent factors leading to vendor selection. **All requests for pricing** for county vehicles (above or below the \$75,000 threshold) will include notification to all Wayne County automotive dealerships.

### **4.5 COMPETITIVE BIDDING CRITERIA: (O.A.C. 5101:9-4-07.1 ( B )( 3 ))**

One of the competitive bid methods of procurement will be used when making purchases expected to **exceed \$75,000** in aggregate value. Competitive bidding includes: (1) formal advertising and sealed bidding; (2) competitive proposals; and (3) noncompetitive proposals. This procurement method will apply to anything to be purchased, leased, leased with an option or agreement to purchase, or constructed, including but not limited to, any product, structure, construction, reconstruction, improvement, maintenance, repair, or service.

### **4.6 COMPETITIVE SEALED BIDDING/FORMAL ADVERTISING: (O.A.C. 5101:9-4-07.1 ( B )( 3 ))**

Competitive sealed bidding, also known as formal advertising, will be used when: (1) a procurement exceeds the small purchase threshold; (2) the award of a contract is primarily on the basis of price alone; (3) the item can be supplied by one vendor; (4) a complete, adequate and realistic purchase description or specifications is available, also known as the Invitation to Bid (ITB); and (5) two or more responsible vendors are available and willing to compete effectively.

This method of procurement requires: (1) the product or service to be completely described in the bid specification; (2) the notice of procurement to be publicly advertised; (3) bids to be sealed and presented at a set location within a set time period; and (4) bids to be opened publicly.

### **4.7 BID REQUIREMENTS:**

When competitive sealed bidding/formal advertising is used, bids will be authorized by resolution of the Board of County Commissioners and the following requirements apply:

- (1) Bids will be solicited from an adequate number of known suppliers. The ITB will be sent to known suppliers of a product or service to be procured. Lists of suppliers will be kept and reviewed, adding new names whenever a supplier requests to be included in the bidder's lists.
- (2) The ITB, including specifications and pertinent attachments will clearly define the items or services needed in order for bidders to properly respond. A bid is considered responsive when it does not deviate from the requirements of the ITB. Minimum requirements include price, expected quantities, delivery schedule, and quality. Any attempt to modify minimum requirements could make the bid non-responsive.

## **SECTION 4 (Continued)– COMPETITIVE BIDDING**

- (3) All bids will be opened publicly at the time and place stated in the ITB. A firm, fixed-price contract award will be made to the bidder whose bid is the lowest and best, as long as the bid conforms to the ITB specifications. Factors such as discounts, transportation costs, and life cycle costs will be used in the determination of which bid is the lowest, if these factors were specified in the bidding invitation. Payment discounts will only be used to determine the low bid when prior experience of WCO indicates that such discounts are generally taken.
- (4) Any or all bids may be rejected when there are documented business reasons that they are not in the best interest of the program.

### **4.8 NOTICE OF COMPETITIVE BIDDING: (O.R.C. 307.87)**

As prescribed by Ohio Revised Code Section 307.87, WCO will publish a minimum of **two times** (at least 14 days) preceding the day of the opening of bids a “ Legal Notice” of Competitive Bidding or Invitation to Bid in a newspaper of general circulation within the county. The Legal Notice for federal project bids will be advertised two or three times as required by the federal program and will remain open for bidding a minimum of three (3) weeks. The contracting authority may also cause notice to be inserted papers or other publications it designates. The notice will minimally contain:

- (1) A general description of the goods or services desired. The time and place where plans, specifications or itemized list of supplies, facilities, equipment and estimated quantities can be obtained or examined.
- (2) The time and place where bids will be opened.
- (3) The time and place for filing bids.
- (4) The terms of the proposed purchase including notice of any specific state or federal requirements pertaining to a particular funding source
- (5) Conditions under which bids will be received.

### **4.9 BID BOND: (O.R.C. 307.88)**

WCO will require all bids in excess of \$75,000 authorized by Sections 307.86 to 307.92 of the Ohio Revised Code to be accompanied by a bond or certified check in a solvent bank in a reasonable amount stated in the advertisement but not exceeding 5 percent of the bid. If the project is for construction of an improvement, then the bond must be in the form of a Bid Guaranty and Contract Bond in the amount of 100% of the bid price in the format prescribed by the ORC or a certified check in the amount of 10% of the bid price and must meet the requirements of ORC153.54. If the contract is for construction, then a 100% Performance Bond will be required.

### **4.10 BID ACCEPTANCE/CONTRACT AWARD: (O.R.C. 307.90)**

The award of all contracts pursuant to competitive bidding will be made to the lowest and best bidder as determined by the Board. The award of any contract pursuant to competitive bids may only be made by resolution of the Board of County Commissioners. The bond or bid guaranty of all unsuccessful bidders will be returned to them immediately upon awarding the contract or rejecting all bids. The Board reserves the right to reject any and all bids.

## SECTION 5 – COMPETITIVE PROPOSALS

### 5.1 COMPETITIVE PROPOSALS: ORC 307.862; (O.A.C. 5101:9-4-07.1 ( B )( 4 ))

WCO will employ the competitive proposal procurement method for certain contracts or when making procurement of over the small purchase threshold and that are of such complex and technical nature that they cannot be fully described in bid specifications and it is logical to award a contract on factors other than price. Evaluation factors other than price will only be used when they are clearly explained in the bid specifications known as the **Request for Proposal (RFP)**.

In the instructions, respondents are encouraged, but not required, to submit complete responses and documentation with their proposal in order for WCO to apply its evaluation factors and rank the proposal. The Board, its designees, County Administrator or the evaluation committee, use the specified evaluation factors in ranking the proposals and recommending a proposal as the most advantageous to the county.

The Board, its designees, County Administrator or the evaluation committee, reserve the right to reject any and all proposals, in whole or in part, to waive any and all informalities, and to disregard all non-conforming, non-responsive or conditional proposals.

WCO may negotiate price and methodology with respondents to the RFP after receiving their proposal. After negotiating with one or more of the respondents, the Board would then award a contract by resolution.

The process of the competitive negotiation method of procurement is similar to that of the competitive sealed bidding method. The RFP is prepared, stating the WCO requirements and objectives; the RFP's are publicized; a deadline for receipt of proposals is set from two or three to six weeks after publication; and, after a sufficient period of evaluation and negotiation, a contract may be awarded by resolution to the respondent whose overall proposal is most advantageous to WCO.

When procurement is made by the competitive negotiation method, the department will follow the requirements listed below:

- (1) Proposals will be solicited from an adequate number of qualified sources to permit reasonable competition consistent with the nature and requirements of the procurement. The RFP will be publicized and reasonable requests by other sources to compete will be honored to the maximum extent practicable.
- (2) The RFP will identify all significant evaluation factors, including price or cost and their relative importance.
- (3) The Board, its designees, County Administrator or the evaluation committee, use the specified evaluation factors in ranking the proposals and recommending a proposal as the most advantageous to the county.
- (4) The Board, its designees, County Administrator or the evaluation committee, reserves the right to reject any and all proposals, in whole or in part, to waive any and all informalities, and to disregard all non-conforming, non-responsive or conditional proposals.
- (5) The Board will provide a system for the technical evaluation of the proposals received, determinations of responsible bidders for the purpose of written or oral discussions, and the selection for contract award.
- (6) The award of the bid will be made by resolution of the Board to the responsible bidder whose proposal will be most advantageous, price and other factors considered. Unsuccessful bidders will be notified promptly.

## **SECTION 6 – NON-COMPETITIVE PROPOSALS**

### **6.1 NON-COMPETITIVE PROPOSALS: (O.A.C. 5101:9-4-07.1)**

In accordance with 5101.9-4.07.01, non-competitive proposals may be used only when the award of the contract is infeasible under small purchase procedure, competitive sealed bidding or competitive proposals and one of the conditions set forth in O.A.C. 5101:9-4-07.01 ( E ) exists. This method is only used if 1) The item is only available from a single source; 2) The public need or emergency for the requirement will not allow for a competitive solicitation; 3) The federal awarding agency or pass-thru entity expressly authorizes the purchase; 4) Competition is determined to be inadequate after solicitation of a number of sources. Any non-competitive procurement in excess of the small purchase threshold must be documented as set forth in O.A.C. 5101-9-4-07.1 ( B )( 5 )( b ).

## **SECTION 7 – SELECTION & APPROVAL**

### **7.1 SELECTION PROCEDURES: (O.A.C. 5101:9-4-07 ( B )( 3 ))**

WCO will utilize the following selection procedures for the procurement of supplies, equipment, and services:

- (1) Solicitation must, whether by competitive sealed bids or competitive negotiations shall:
  - (a) Incorporate a clear and accurate description of technical requirements for the material, product, or service to be procured. In competitive procurement, this description will not contain features which unduly restrict competition. This description may include a statement of the qualitative nature of the material, product, or service to be procured, and when necessary, shall set forth those minimum essential characteristics and standards to which the product must conform to satisfy its intended use. When it is impractical or uneconomical to make a clear and accurate description of technical requirements, a brand name or equal description may be used as a means to define performance or other conspicuous requirements of the procurement. Specific features of the brand name, which must be met by offerors, will be clearly stated.
  - (b) Clearly set forth all requirements which offerors must fulfill and all other factors to be used in evaluating bids or proposals.
- (2) Awards will be made only to responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractors' integrity, compliance with public policy, record of past performance, and financial and technical resources.

When appropriate or otherwise required under provision of ORC Sections 307.88, 307.89, 153.54, and 153.57, WCO will require vendors to carry a bond in the amount of the contract.

### **7.2 PRIOR APPROVAL:**

Pursuant to provisions of ORC 307.84, prior approval of the Automatic Data Processing Board will be obtained when and if it is required prior to encumbrance.

## **SECTION 8 – CONTRACT TYPE & PROVISION**

### **8.1 CONTRACT TYPE:**

The Board will select the type of contract to be awarded that is most appropriate for the type of procurement being made. The following is a list of the various types of contracts that may be utilized by WCO from time to time:

- (1) Fixed-price contract, either fixed-unit price or total lump sum price.
- (2) Cost reimbursable contract. This type of contract will be used only with negotiated procurement and WCO will establish a maximum dollar amount payable under each contract which the contractor will exceed at his own risk.
- (3) Purchase order.
- (4) Incentive contract.
- (5) Formula contract.
- (6) Cost-plus-fixed fee.

WCO will not award any cost-plus a percentage of cost to contracts or cost-plus a percentage of income contracts. All contracts awarded will comply with the standards and imitations contained in O.A.C. 5101:9-4-02.

### **8.2 CONTRACT PROVISIONS: (O.A.C. 5101:9-4-07 ( C ))**

Contracts must contain sufficient provisions to define a sound and complete agreement. The same provisions must apply to subcontracts. Contract language may **include but will not be not limited to:**

- (1) Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.
- (2) Termination Provisions
- (3) Compliance with Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967, and as supplemented in department of labor regulations (41 C.F.R. chapter 60).
- (4) Compliance with the Copeland "Anti-Kickback" act (18 U.S.C. 874) as supplemented in department of labor regulations (29 C.F.R Part 3).
- (5) Compliance with the Davis-Bacon act (40 U.S.C. 276a to 276a-7) as supplemented by department of labor regulations (29 C.F.R. Part 5) or compliance with the Prevailing Wage regulations of the Ohio Department of Commerce as required.
- (6) Compliance with Sections 3702 & 3704 of the Contract Work Hours and Safety Standards act (40 U.S.C. 3701-3708) as supplemented by department of labor regulations (29 C.F.R. Part 5).
- (7) Compliance with "Rights to Inventions" (37 C.F.R. Part 40) pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.
- (8) Notice of requirements and regulations pertaining to reporting.

## **SECTION 8 (Continued) - CONTRACT TYPE & PROVISIONS**

- (9) Notice of requirements and regulations pertaining to copyrights and rights in data.
- (10) Access by the state agency, WCO, the federal grantor agency, the comptroller general of the United States, or any of their duly authorized representatives to any books, documents, papers, and record of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.
- (11) Compliance with all applicable standards, orders, or requirements issued pursuant to the Clean Air Act as amended ( 42 U.S.C. 7401 - 7671 ) and the Federal Water Pollution Control Act as amended ( 33 U.S.C. 1251 - 1387 ). This is applicable with any contract in excess of one hundred and fifty thousand dollars.
- (12) Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).
- (13) Financial, programmatic, statistical, and recipient records and supporting documents must be retained for a minimum of three years after the submittal of the final expenditure report for the grant or as otherwise provided by any minimum retention requirements specified by applicable state or federal law. If any litigation, claim, negotiation, audit or other action involving the records has started before the expiration of the three-year period, the records must be retained until the completion of the action and resolution of all issues that arise from it, or until the end of the regular three-year period, whichever is later..
- (14) Clearly Stated Term and Value
- (15) Clearly Stated Deliverables
- (16) Code of Federal Domestic Assistance Number (CFDA)
- (17) Certification that a contractor has not and will not use federal funds to pay for any lobbying activities as defined in the Byrd Anti-lobbying Amendment ( 31 U.S.C. 1352 ). Certification is required for contractors that apply or bid for an award of one hundred thousand dollars or more.
- (18) State of Ohio requirements in the case of state or local funding or in addition to federal sources: State EEO and Non-Discrimination requirements; Unresolved findings for Recovery (ORC 9.24); Certification of Personal Property Tax (ORC 5719.042); State requirements for workers compensation coverage; Drug-Free Workplace certifications; Ohio Ethics regulations in accordance with Executive Order 2007-01S; Certifications regarding Political Contributions (ORC 3517.13); Non-Collusion Affidavit (Title 23 United States Code 112 and ORC Chapter 1331; Certification regarding the Ban of the Expenditure of Public Funds on Offshore Services detailed in Executive Order 2010-09S.
- (19) Certifications regarding Suspension and Debarment/verification that a contractor is not on the federal Excluded Parties List.

## **SECTION 9 - RECORD KEEPING**

### **9.1 RECORD KEEPING/DOCUMENTATION: (O.A.C. 5101:9-4-07)**

WCO will maintain pertinent records regarding all procurement. The size and type of procurement will determine the type of information recorded and maintained in a file. Records of very small purchases not formally advertised will include the name of the vendor, itemized list of items purchased, the total cost, and the date of purchase. For larger purchases requiring more complex procurement methods, records will be retained to document the following when applicable:

- (1) Copies of published advertisements for bids and proposals.
- (2) Copies of all respondent's replies.
- (3) Narrative explaining the basis for contractor selection or rejection.
- (4) Copies of letters or notices sent to known providers advising them of goods and services sought.
- (5) Identification of date, time and place bids or proposals were opened.
- (6) Documentation that all requirements of public bidding were followed
- (7) Documentation of bid authorization and/or approval when necessary
- (8) Retention of quotes, purchase orders, invoices, contracts and bids will be maintained strictly in accordance with retention schedules established for the office, department and shared items.

## **SECTION 10 – CONTRACT MONITORING**

### **10.1 CONTRACT MONITORING: (O.A.C. 5101:9-4-07 ( B )( 7 ))**

It will be the policy of WCO to closely monitor all contracts to ensure compliance with all terms, conditions, and specifications.

The monitoring process will involve careful review of contract terms prior to finalizing the agreement. In agreements providing for the delivery of supplies, equipment, or materials, such items will be carefully checked and counted prior to acceptance. In agreements requiring services to be provided to WCO, a staff member will be assigned responsibility to assure the quantity and quality of service contracted for is rendered.

Legal disputes arising out of contracted procurement will be referred to the County Prosecutor if efforts to resolve the problem are unsuccessful.

All procurement will be reviewed and approved by employee supervisors and the Commissioners' Fiscal Officer. The County Administrator, Fiscal Officer, or Department Head (or designee) will authorize payment of all vouchers and the Fiscal Department will review voucher for completeness and alert the Board to any improprieties. All vouchers and invoices will then be forwarded to the BOARD for review and approval and then sent to the County Auditor for final processing payment. These efforts are employed to avoid improper or unnecessary payments and to assure all provisions of local, state, and federal law are followed.



## **SECTION 9 (Continued) – RECORD KEEPING**

Before purchasing any equipment, due consideration will be given to lease, rental and purchase alternatives to determine, consistent with prudent business judgment, which would be the most economical and practical procurement. In making this determination, due consideration will be given to useful life of the equipment to the program for which it is being purchased, technology obsolescence, maintenance considerations, purchase price versus lease or rental cost and any other matters considered by management to be warranted under the circumstances.

## **SECTION 11 – ASSET REIMBURSEMENT**

### **11.1 METHODS OF REIMBURSEMENT: (O.A.C. 5101:9-4-10)**

There are three different methods for reimbursement of costs generated through the procurement of county assets. The three methods are: 1) expensing; 2) depreciation; and 3) asset disposal.

### **11.2 EXPENSING: (O.A.C. 5101:9-4-10 ( D ))**

When the cost of an asset, at the time of purchase, is less than \$5,000, required departments of WCO will expense the entire cost in the month of initial payment. Such expense will be coded to the appropriate funding source or cost pool.

### **11.3 DEPRECIATION: (O.A.C. 5101:9-4-10 ( E ))**

When the cost of a fixed asset, at the time of initial purchase, exceeds \$5,000, required departments of WCO will calculate the useful life span of the asset and divide the cost by either the months or the years of useful life. This amount will be coded to the appropriate funding source or cost pool based on the method of division (i.e. cost divided by months is charged monthly).

### **11.4 ASSET DISPOSAL: (O.A.C. 5101:9-4-15)**

When assets cease to be needed, become obsolete or become unfit for use due to damage or safety, departments of WCO will notify the BOARD of their intent to dispose of the asset.

In accordance with O.R.C. 307.12, when the BOARD finds, by resolution, that the asset is no longer needed, is obsolete or unfit for use the BOARD may authorize disposal by the following:

- (1) Assets with a fair market value under \$2,500 may be sold by internet auction, private sale without public notification
- (2) Assets with any fair market value over \$2,500 may be sold at public auction (including internet auctions) with appropriate notice
- (3) Vehicles valued at or less than \$4,500 may be donated to a non-profit organization exempt from federal income taxation when the purpose of the donation is to assist the transportation needs of an OWF or PRC participant
- (4) The BOARD may donate an asset to another department or political subdivision of the state.
- (5) Assets purchased under a contract with a service provider remain the property of WCO and are subject to the disposal procedures found herein.
- (6) An asset that has been determined to have no value may be discarded or salvaged.

## **11.5 INVENTORY: (ORC 305.18)**

Pursuant to ORC 305.18, departments of WCO shall make and maintain an inventory of all the materials, machinery, tools, and other county supplies. Departments of WCO if required will annually submit to the BOARD a listing of assets which will include: 1) itemized asset listing; 2) original purchase price; 3) purchase date of the asset; 4) inventory identification number if applicable ; 5) location; 6) useful life span if applicable; 7) year-end depreciated value if applicable; 8) Original vendor 9) Funding source or account used.

All newly acquired assets will be listed in the inventory before being distributed. A fixed asset report will be filed with the County Auditor for all assets. Assets purchased under a contract with a service provider remain the property of WCDJFS and are subject to the disposal procedures found herein.

# Resolution

No. 2024-193

## Board of Wayne County Commissioners

Ron Amstutz    Jonathan Hofstetter    Sue A. Smail

*Adopted:* April 17, 2024

*Subject:* **Approval of Grant Acceptance from County Engineers Association of Ohio (CEAO) for Local Bridge Replacement (LBR) Funding for a Bridge Replacement Project on Canaan Center Road (WAY-CR 51-3.28) Over Killbuck Creek (Canaan Township)**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

WHEREAS, the Wayne County Engineer proposed a bridge replacement project on Canaan Center Road (WAY-CR 51-3.28), over the Killbuck Creek in Canaan Township (Project), at an estimated cost of \$787,820.00 for construction and \$78,780.00 for construction engineering services; and

WHEREAS, the Board passed Resolution 2023-422, dated August 9, 2023, authorizing the application; and

WHEREAS, the Engineer received a proposed agreement for the acceptance of grant assistance through the County Engineers Association of Ohio (CEAO) Local Bridge Replacement (LBR) Funding, for a total federal maximum of \$1,011,674.00 the proposed Project; and

WHEREAS, Federal Funds will account for 95% of the Project costs with the remaining 5% being paid from License Plate Fees and Gas Tax Revenues.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Wayne County, Ohio, that:

Section 1. The Board approves the acceptance of funding for a bridge replacement on Canaan Center Road over Killbuck Creek, through the County Engineers Association of Ohio (CEAO) Local Bridge Replacement (LBR) Funding, for a total federal maximum of \$1,011,674.00.

Section 2. The Board is hereby authorized to execute the acceptance referenced above in Section 1 and any and all documents related to said acceptance. Additionally, the President of the Board and the County Administrator, on behalf of the Board, are separately and individually authorized to execute the acceptance referenced above in Section 1 and any and all documents related to said acceptance.

Section 3. The Board of Wayne County Commissioners hereby incorporate into this resolution all of the aforesaid recitals and they are rendered to be findings by the Board.

Section 4. The Board of Wayne County Commissioners also finds that all formal actions of its Board concerning and relating to the passage of this Resolution were passed in an open meeting of this Board that was properly noticed.

The vote is as follows: Ron Amstutz yea    Jonathan Hofstetter yea    Sue A. Smail yea

### CERTIFICATE

I, Jamie L. Imhoff, Deputy Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

  
\_\_\_\_\_  
Jamie L. Imhoff, Deputy Clerk

# Resolution

No. 2024-194

*Board of Wayne County Commissioners*  
*Ron Amstutz    Jonathan Hofstetter    Sue A. Smail*

*Adopted:* April 17, 2024

*Subject:* **Approval of Delinquent Sewer Charges Certification**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

WHEREAS, the Wayne County Office of Environmental Services has notified those County sewer customers, including landlords and tenants, with accounts past due by three months or more, that past-due amounts had to be paid by April 10, 2024, and

WHEREAS, the same notice advised those customers that unpaid accounts would be referred to the Board of County Commissioners for certification as delinquent to the County Auditor, and

WHEREAS, Ohio Revised Code Section 6117.02 (D) (1) enables the Board of County Commissioners to certify unpaid charges, together with any penalties, to the County Auditor who shall place them upon the real property tax list and duplicate against the property to which the charges apply, and

WHEREAS, the Wayne County Environmental Services has submitted a list of delinquent accounts (see Exhibit A) to the Board of Wayne County Commissioners for said certification;

NOW, THEREFORE, BE IT RESOLVED by the Board of Wayne County Commissioners that the unpaid sewer charges and penalties for the properties/accounts submitted by Environmental Services are hereby certified delinquent to the Wayne County Auditor, effective April 17, 2024.

The vote is as follows: Ron Amstutz yea    Jonathan Hofstetter yea    Sue A. Smail yea

## CERTIFICATE

I, Jamie L. Imhoff, Deputy Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

  
\_\_\_\_\_  
Jamie L. Imhoff, Deputy Clerk

Exhibit A

Wayne County Sewer Department

**TAX/LIEN Register**

Condensed

For charges due before 02/29/2024 and Balance more than 250.00

Account Balance as of 04/17/2024

Disconnect Date / /

Sorted by: Account Number

Location No	Account No	Name	Address	Parcel	Prev. Balance	TAX/LIEN	Tax	Account Balance
DIAGONAL12	0800112	DENNIS KENT	124 DIAGONAL ST	08-00067.000	697.83	-514.54	0.00	183.29
FRONTS12	0800118	GERALD ROPER	12 S FRONT ST	08-00033.000	958.03	-751.08	0.00	206.95
MILL145	0800189	JOHN JANOWIAK	145 MILL ST	08-00105.000	697.84	-514.55	0.00	183.29
MIDDLEE231	0800198	DENNIS KENT	231 E MIDDLE ST	08-00026.000	697.83	-514.54	0.00	183.29
MIDDLEW11	0800225	TAMMY GALLATIN	111 W MIDDLE ST	08-00216.000	697.83	-514.54	0.00	183.29
SALEM3841	0800295	KIM FANKHAUSER	3841 W WEST SALEM RD	21-00130.000	484.39	-320.50	0.00	163.89
MIDDLEW12	0800353	DAVID WILKINSON	126 W MIDDLE ST	08-00224.000	646.55	-467.92	0.00	178.63
DLPOT28	0800365	CHELSEA ROBERTS	28 DEPOT ST	08-00135.000	693.56	-510.66	0.00	182.90
DIAGONAL12	0800406	DENNIS KENT	120 DIAGONAL ST	08-00052.000	697.83	-514.54	0.00	183.29
GRANT121	0800415	SHELLIE PAYSON	121 GRANT ST	08-00118.000	697.71	-514.43	0.00	183.28
VINCE12250	1200577	SCOTT KITCHEN	12250 VINCE DR	12-02791.000	600.84	-443.20	0.00	157.64
VINCE12099	1200775	JEFFREY UNDERWOOD	12099 VINCE DR	12-001401.000	599.78	-442.24	0.00	157.54
MILLY12187	1200835	AMANDA WOOD	12187 MILLY DR	12-01420.000	599.78	-442.24	0.00	157.54
MILLY12274	1200841	JAMES WINDOWS	12274 MILLY DR	12-01416.000	599.78	-442.24	0.00	157.54
MARK12969	1200902	JEFFREY GLEASON	12969 MARK PATH	12-00707.000	599.78	-442.24	0.00	157.54
MARK12942	1200906	AMY GULA	12942 MARK PATH	12-01879.000	599.95	-442.39	0.00	157.56
VINCE12077	1200991	MICHAEL FOSTER	12077 VINCE DR	12-01421.000	599.78	-442.24	0.00	157.54
GUINVPL130	1201021	BRITANIA RELITZ	13080 GUINEVERE PLACE	12-02810.000	599.78	-442.24	0.00	157.54
LOIS17626	1201023	JOSEPH & LAVERN	17626 LOIS WAY	12-02905.000	621.25	-461.76	0.00	159.49
LINCWAYE6	2700147	RANDY MYERS	6996 E LINCOLN WAY	27-00745.002	697.83	-514.54	0.00	183.29
GAIL7709	2700155	JAMES MILLER	7709 GAIL AVE	27-00288.000	697.83	-514.54	0.00	183.29
JUDY7748	2700175	AMY GONZALEZ	7748 JUDY AVE	27-00096.000	698.50	-515.15	0.00	183.35
ROBIN264	2700178	ANDREW BEUN	264 ROBIN ST	27-01401.011	697.83	-514.54	0.00	183.29
GAIL7746	2700230	HEATHER VON BERGEN	7746 GAIL AVE	27-01275.000	779.77	-589.03	0.00	190.74
GAIL7645	2700249	BRENT CARR	7645 GAIL AVE	27-00763.000	424.64	-266.18	0.00	158.46
GAIL7664	2700270	SHAUN KURTZ	7664 GAIL AVE	27-00761.000	697.79	-514.50	0.00	183.29
LINCWAYE9	2700286	CATHERINE RALSTON	9002 E LINCOLN WAY	27-00880.000	696.93	-513.72	0.00	183.21
CARDINAL28	2700297	MATTHEW TROWBRIDGE	283 CARDINAL ST	27-00085.000	717.95	-532.83	0.00	185.12
NORTH13749	4700639	WILLIAM HARDER	13749 NORTH DR	76-00500.000	607.34	-447.81	0.00	159.53
HIVIEWN139	4700860	DANA HILTY	13974 N HIGHVIEW DR	76-01997.000	607.34	-447.81	0.00	159.53
HILLSIDE118	4700874	ERIK MITCHELL	118 HILLSIDE DRIVE	76-01988.000	606.25	-446.82	0.00	159.43
WDBRYCIR3	4800980	TARA MORAN	322 WOODBURY CIRCLE	47-00347.034	682.51	-503.40	0.00	179.11
GEORGET7	5300042	HEATHER WICKENS	7157 GEORGE CT	53-00436.000	619.35	-456.67	0.00	162.68
MYRTA2131	5300056	TOM CANTEY	2131 MYRTA DR	53-00546.000	619.35	-456.67	0.00	162.68
MYRTA1801	5300120	TERRANCE JONES	1801 MYTRA DR	53-01735.000	888.02	-700.92	0.00	187.10
LINCWAYE2	5600836	IORE'S ITALIAN	2179 E LINCOLN WAY	56-02543.017	653.24	-481.66	0.00	171.58

Total Customers 36  
 Prev. Balance \$23,782.59  
 TAX/LIEN \$-17,554.88  
 Total Tax \$0.00  
 Account Balance \$6,227.71

Previously Posted TAX/LIEN \$0.00

# Resolution

No. 2024-195

## Board of Wayne County Commissioners

Ron Amstutz    Jonathan Hofstetter    Sue A. Smail

*Adopted:* April 17, 2024

*Subject:* **Approval of Permit to Occupy Right of Way for Stated Obstructions**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

WHEREAS, Ohio Revised Code Sections 5547.03 and 5547.04 provide that no person, partnership, or corporation shall erect, within the bounds of any highway or on the bridges or culverts thereon, any obstruction without first obtaining the approval of the board in case of highways other than roads and highways on the state highway system and the bridges and culverts thereon; and.

WHEREAS, the Wayne County Engineer received Federal Highway Safety Improvement Project (HSIP) Systemic Funding to improve the safety of 0.88 miles of Back Orrville Road from North Millborne Road to Orr Road; and

WHEREAS, one of the conditions that Federal Fund recipients are required to adhere to is removing or permitting obstructions within the road right of way; and

WHEREAS, the Wayne County Engineer has requested a permit to occupy right of way for existing obstructions within the bounds of the county highway; and

WHEREAS, Eugene F. & Judith C. Pouly, the owners of Parcel Numbers 31-00025.000 and 31-00618.000 (9088 Back Orrville Road) currently own an 8" wood post and a cable gate supported by 8" posts on either side that is within the road right of way as shown on the plan sheet with the obstructions circled in red and dimensions showing the distance from the edge of the pavement to the obstruction as well as showing that said objects are 30' or more from the edge of the paved road surface and are outside the clear zone or recoverable distance should a driver run off the pavement);

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Wayne County, Ohio, that:

Section 1. The Board approves a revocable permit to occupy the bounds of the county highway thereon with the obstruction identified in Exhibit A

The revocable permit is subject to the following conditions:

1. The permission to occupy the bounds of the county highway thereon is revocable and subject to revocation at such time as the Board of Commissioners deems it necessary to order the removal, reconstruction, or relocation of the identified obstruction.
2. The granting of this permit shall not be construed as an abridgement or waiver of any rights which the Board of Commissioners has in exercising its jurisdictional powers.
3. No alterations or repairs are permitted to the obstruction.
4. If a removal, reconstruction, or relocation of the obstruction is deemed required by the Board of Commissioners, it shall be promptly undertaken at the sole expense of the owners thereof.

5. If the obstruction is removed or destroyed, any new structure must be located outside of the existing road right of way.
6. Failure of the permittee to conform to the provisions of this permit will be cause for suspension, revocation, or annulment of the permit as the Board of Commissioners deems necessary.

Section 2. The Board of Wayne County Commissioners hereby incorporate into this resolution all of the aforesaid recitals, and they are rendered to be findings by the Board.

Section 3. The Board of Wayne County Commissioners also finds that all formal actions of its Board concerning and relating to the passage of this Resolution were passed in an open meeting of this Board that was properly noticed.

Section 4. The President of the Board and the County Administrator, on behalf of the Board, are separately and individually authorized to execute any and all necessary documents in this matter.

The vote is as follows: Ron Amstutz yea Jonathan Hofstetter yea Sue A. Smail yea

#### CERTIFICATE

I, Jamie L. Imhoff, Deputy Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

  
\_\_\_\_\_  
Jamie L. Imhoff, Deputy Clerk

Exhibit A



WAYNE COUNTY ENGINEER'S OFFICE  
SCOTT A. MILLER, P.E., P.S.  
WAYNE COUNTY ENGINEER

April 12, 2024

Board of Wayne County Commissioners  
428 West Liberty Street  
Wooster, OH 44691

**RE: Permit to Occupy Right of Way, Wood Post and Cable Gate  
PN: 31-00025.000 and 31-00618.000, Eugene and Judith Pouly  
Back Orrville Road Safety Project – HSIP Systematic Funding**

Dear Commissioners:

We received federal Highway Safety Improvement Project (HSIP) Systemic Funding to improve the safety of 0.88 miles of Back Orrville Road from North Millborne Road to Orr Road.

One of the conditions that Federal Fund recipients are required to adhere to is removing or permitting obstructions within the road right of way.

Gene and Judith Pouly currently own an 8" wood post and a cable gate supported by 8" posts on either side that is within the road right of way. Attached is a plan sheet with the obstructions circled in red and dimensions showing the distance from the edge of pavement to the obstruction. These objects are 30' or more from the edge of the paved road surface and are outside of the clear zone or recoverable distance should a driver run off the pavement.

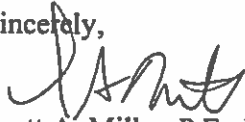
Attached is a permit to occupy the road right of way that will be provided to Gene and Judy Pouly for your review and comment. Also attached is a sample resolution and permit that was issued for the Apple Creek Road resurfacing project several years ago.

Please review and approve the permit to occupy road right of way. Upon your approval I will send the permit to the Poulys for their records.



If you have any questions, or any other concerns, do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Miller', written over the word 'Sincerely,'.

Scott A. Miller, P.E., P.S.  
Wayne County Engineer

cc: Wayne County Commissioners (email and interoffice mail)  
File

**EXHIBIT "A-1"**  
**WAYNE COUNTY ENGINEER**  
**PERMIT TO OCCUPY THE RIGHT OF WAY**

This permit to occupy the right of way is issued and governed pursuant to Section 5547.03 and 5547.04 of the Ohio Revised Code.

Name: Eugene F. & Judith C. Pouly

Parcel Numbers: 31-00618.000 and 31-00025.000

Address: 9088 Back Orrville Road, Orrville, Ohio 44667

Is hereby granted a permit for an existing private post and a cable gate (address 9088 Back Orrville Road), shown in the photo below, to occupy the highway right of way. The highway right of way is designated by a stake displaying a pink flag.

This permit is subject to the following terms and conditions:

1. The permission to occupy the bounds of the county highway or on the bridges or culverts thereon is revocable and subject to revocation at such time as the Board deems it necessary to order the removal, reconstruction, or relocation of the identified obstruction.
2. The granting of this permit shall not be construed as an abridgement or waiver of any rights which the Board has in exercising its jurisdictional powers.
3. No alterations or repairs are permitted to the obstruction.
4. If a removal, reconstruction, or relocation of the obstruction is deemed required by the Board it shall be promptly undertaken at the sole expense of the owners thereof.
5. If the obstruction is removed or destroyed, any new structure must be located outside of the existing road right of way.
6. Failure of the permittee to conform to the provisions of this permit will cause for suspension, revocation, or annulment of the permit as the Board deems necessary.

Issued By: Wayne County Commissioners, 428 West Liberty Street, Wooster, Ohio 44691

Date: \_\_\_\_\_





# Resolution

No. 2024-196

## Board of Wayne County Commissioners

Ron Amstutz    Jonathan Hofstetter    Sue A. Smail

*Adopted:* April 17, 2024

*Subject:* Authorization of Grant Application to the Mental Health & Recovery Board of Wayne and Holmes Counties for Funding for an Assisted Outpatient Treatment Program on Behalf of Probate and Juvenile Court

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

WHEREAS, the Wayne County Probate and Juvenile Court (Court) has requested authorization to apply for funding for an Assisted Outpatient Treatment Program (AOT Program) through the Mental Health & Recovery Board of Wayne and Holmes Counties; and

WHEREAS, the AOT Program provides outpatient treatment under court order to adults with severe mental illness who meet specific criteria, such as a prior history of repeated hospitalizations or arrests, so they can live successfully in the community setting; and

WHEREAS, the AOT Program has been established to aid mentally ill persons who are unaware of their own mental illness or struggle adhering to an outpatient treatment plan and ultimately may cycle in and out of hospitals and/or the justice system; and

WHEREAS, the Court is requesting application for funding in the amount of \$31,193.89 for the AOT Program Monitor position and \$1,000.00 for additional incentives and supports, totaling \$32,193.89.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Wayne County, Ohio, that:

Section 1. The Board approves the application for funding through the Mental Health & Recovery Board of Wayne and Holmes Counties for an Assisted Outpatient Treatment Program at a total cost of \$32,193.89.

Section 2. The Board is hereby authorized to execute the application referenced above in Section 1 and any and all documents related to said application. Additionally, the President of the Board and the County Administrator, on behalf of the Board, are separately and individually authorized to execute the application referenced above in Section 1 and any and all documents related to said application.

Section 3. The Board of Wayne County Commissioners hereby incorporate into this resolution all of the aforesaid recitals and they are rendered to be findings by the Board.

Section 4. The Board of Wayne County Commissioners also finds that all formal actions of its Board concerning and relating to the passage of this Resolution were passed in an open meeting of this Board that was properly noticed.

The vote is as follows: Ron Amstutz yea    Jonathan Hofstetter yea    Sue A. Smail yea

### CERTIFICATE

I, Jamie L. Imhoff, Deputy Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

  
\_\_\_\_\_  
Jamie L. Imhoff, Deputy Clerk

# Resolution

No. 2024-197

*Board of Wayne County Commissioners*  
*Ron Amstutz Jonathan Hofstetter Sue A. Smail*

*Adopted:* April 17, 2024

*Subject:* **Authorization to Appoint the Medina County Prosecutor as Special Prosecutor**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

WHEREAS, the Wayne County Prosecuting Attorney is charged with the responsibility for prosecuting all violations of state law; and

WHEREAS, the Rittman Police Department recently completed a traffic investigation involving A.W., a juvenile, a relative of an employee of The Wayne County Prosecuting Attorneys' Office; and

WHEREAS, Prosecuting Attorney, Angela Poth-Wypasek, is of the opinion that a conflict exists in this case; and

WHEREAS, the Medina County Prosecutor has agreed to act as Special Prosecutor in this matter; and

WHEREAS, Revised Code 305.14(A) allows the Court of Common Pleas to appoint a Special Prosecutor upon the application of the Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Wayne County, Ohio, that:

- Section 1. The Board of Wayne County Commissioners hereby authorize application to the Court of Common Pleas of Wayne County, Ohio, pursuant to RC 305.14, to authorize the employment of the Medina County Prosecutor, or his successor, and any Assistant Prosecutors from his office, as Special Prosecutor, in the current traffic investigation regarding A.W., a juvenile, and any related traffic and/or criminal proceedings.
- Section 2. The Board of Wayne County Commissioners hereby incorporate into this resolution all of the aforesaid recitals, and they are rendered to be findings by the Board.
- Section 3. The Board of Wayne County Commissioners also finds that all formal actions of its Board concerning and relating to the passage of this Resolution were passed in an open meeting of this Board that was properly noticed.

The vote is as follows: Ron Amstutz yea Jonathan Hofstetter yea Sue A. Smail yea

## CERTIFICATE

I, Jamie L. Imhoff, Deputy Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

  
\_\_\_\_\_  
Jamie L. Imhoff, Deputy Clerk



# Resolution

No. 2024-199

## Board of Wayne County Commissioners

Ron Amstutz    Jonathan Hofstetter    Sue A. Smail

*Adopted:* April 17, 2024

*Subject:* **Public Hearing Scheduled for Agricultural Security Area (ASA) Application (ORC 931)**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

WHEREAS, the following landowners in East Union Township with a combined 573.86 acres have submitted an application pursuant to Ohio Revised Code (ORC) Section 931 to request that their properties be enrolled in an Agricultural Security Area (ASA):

James D. & Joyce A. Thompson (147.58 acres); Jeffrey C. & Linda M. Thompson and Joel R. Thompson (131.88 acres); Daniel G. Hodge (ERVMAR, LLC) (94.15 acres); Daniel G. & Tamara J. Hodge, Trustees (200.25 acres); and

WHEREAS, pursuant to ORC, a Public Hearing is to be held within 45 days of the ASA application date if scheduled with the Township Trustees as a joint hearing or within 60 days if the Board of Commissioners holds a hearing separate from the Township Trustees; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Wayne County Commissioners that:

### Section 1

The Board of Commissioners, Wayne County, Ohio will hold a Public Hearing on Wednesday, May 22<sup>nd</sup> immediately following the 9:00am Commissioners' session at the County Administration Building 2nd floor meeting room, 428 W. Liberty Street, Wooster, OH 44691 to provide an opportunity for comment and review of the application for an Agricultural Security Area.

### Section 2

The East Union Township Board of Trustees will hold a separate Public Hearing on Thursday, June 6<sup>th</sup> immediately following the 7:00pm Trustees Meeting at the Fire Station, 3400 S. Apple Creek Rd., Apple Creek, OH 44606.

### Section 3

The Board of Wayne County Commissioners hereby incorporate into this resolution all of the aforesaid recitals, and they are rendered to be findings by the Board.

### Section 4

The Board of Wayne County Commissioners also finds that all formal actions of its Board concerning and relating to the passage of this Resolution were passed in an open meeting of this Board that was properly noticed.

### Section 5

The President of the Board and the County Administrator, on behalf of the Board, are separately and individually authorized to execute any and all necessary documents in this matter.

### Section 6

Planning Dept. staff shall ensure:

1. Public notice shall be published as required by Ohio Revised Code in a local newspaper at least 30 days prior to the Public Hearing
2. Notification, of this Public Hearing, shall be sent to the following:

School Superintendent of each school district within the proposed ASA  
County Engineer of each county in which the ASA would be located  
Any Municipality within one-half mile of the boundaries of the proposed ASA  
Director of Ohio Department of Transportation

It was moved by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_ that the following resolution be adopted:

The vote is as follows: Ron Amstutz yea Jonathan Hofstetter yea Sue A. Smail yea

CERTIFICATE

I, Jamie L. Imhoff, Deputy Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

  
\_\_\_\_\_  
Jamie L. Imhoff, Deputy Clerk