

JUNE 5, 2014

The Gallia County Board of Commissioners met on this date for the purpose of approving the minutes of the previous meeting and current transfers, appropriations and bills. At 9:00 a.m. the meeting was called to order by Vice President Brent Saunders. Roll Call: President David K. Smith, absent; Vice President Brent Saunders, present; Commissioner Harold G. Montgomery, present.

***The Commissioners participated in a conference call with State and Local EMA officials, as well as other various other local and state agencies regarding the City of Gallipolis water crisis.**

The Vice President entertained a motion for approval of the May 29, 2014 minutes. Harold G. Montgomery made and Brent Saunders seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Smith, absent; Mr. Saunders, yea.

TRAVEL REQUESTS				
DEPARTMENT	NAME	DATE	TO	RE:
Clerk of Courts	Noreen Saunders	6/10-12	Sandusky, OH	Summer Conference
JFS	Lori D. Church	6/24	Union County	County Readiness Manager
Auditor	Larry Betz	6/4-6	Columbus, OH	Summer Conference
JFS	Dana Glassburn	6/5	Columbus, OH	Meeting
JFS	Dana Glassburn	6/18	Columbus, OH	Training

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

Animal Shelter Canine Weekly Report													
Week Ending	Came in	Adopted	Reclaimed	Euthanized	Rescued	MIA	Died (Natural Causes)	Destroyed (in field)	To Foster Care	Back from Foster	Foster Care Total	Total Out	Shelter Total
5/31	22	1	1	1	1	0	0	0	13	2	361	16	16

2013 ANNUAL JUVENILE REPORT

The Commissioners received the 2013 Annual Report from Judge Thomas Moulton Jr. on the Court's activities for 2013 as required by ORC 2151.18. The report was reviewed and is on file in the Commissioners Office.

HOLZER HEALTH SYSTEM TAX EXEMPTION CERTIFICATE AND AGREEMENT

Holzer Health System CEO Brent Saunders presented the tax exemption certificate and agreement among the County of Gallia, Ohio and The Bank of New York Mellon Trust Company, N.A. as Trustee and Holzer Health System for signatures, as the resolution was submitted and approved on May 29, 2014 during the regular Commissioners meeting. Harold G. Montgomery made and Brent Saunders seconded the motion to sign the agreement. Roll call: Mr. Montgomery, yea; Mr. Smith, absent; Mr. Saunders, yea.

***Commissioners Montgomery and Saunders participated in a conference call with Commissioner Smith, who was at out of town, regarding the County emergency declaration for the City of Gallipolis water crisis.**

SOTE

Harold G. Montgomery made and Brent Saunders seconded the motion to send the following letter. Roll call: Mr. Montgomery, yea; Mr. Smith, absent; Mr. Saunders, yea.

June 5, 2014

SENT BY CERTIFIED MAIL – [TRACKING NO.] RETURN RECEIPT REQUESTED
Southern Ohio Trenching & Excavating, Inc.
Attn: Mark Bamer
3228 County Road 103
Ironton, Ohio 45638

SENT BY CERTIFIED MAIL – [TRACKING NO.] RETURN RECEIPT REQUESTED
Ohio Farmers Insurance Company (Surety)
2000 Polaris Parkway
Columbus, Ohio 43240

Overmyer Hall Associates (Surety Agent)
2000 W. Henderson Road
Columbus, Ohio 43220

Re: Notice of Defective Work on the Gallia County Commissioners' Kanauga Addison Sanitary Sewer Replacement Contract Project (Bond No. 7654027)

Mr. Bamer:

This letter serves as the Gallia County Commissioners' (the "Owner's") notice of defective Work to Southern Ohio Trenching & Excavating, Inc. ("SOTEI") and SOTEI's Surety, under General Conditions ("G.C.") Article 13, for the Kanauga Addison Sanitary Sewer Replacement Contract project (the "Project").

As you know, there is defective Work in the Kelley Drive area of the Project. A sink hole occurred near a culvert installed by SOTEI and the ditch has given way, allowing water to travel under the road. The road has cracked and failed where the water has been traveling underneath. The location of this failure is after entering the eastern-most entrance to Kelley Drive and crossing the bridge, along the right-hand side of the road between the first house and the third house after the bridge.

SOTEI was promptly notified of this defective Work by Stantec, on behalf of the Owner. In SOTEI's letter dated April 22, 2014, SOTEI represents that SOTEI has inspected this defective Work. However, in SOTEI's email dated April 23, 2014, you state that SOTEI "does not consider this as warranty work" and to date, SOTEI has not corrected the defective Work.

Pursuant to G.C. 13.07(A) of SOTEI's Contract for the Project, however, "[i]f within one year after the date of Substantial Completion...any Work is found to be defective...Contractor shall promptly, without cost to Owner and in accordance with Owner's written instructions...correct such defective Work... [and] satisfactorily correct or repair or remove and replace any damage to other Work, to the work of others or other land or areas resulting therefrom."

As a result of SOTEI's defective Work, in accordance with its Contract for the Project, SOTEI must begin to correct this defective Work within 14 days and complete such corrective work promptly thereafter, as required by the Contract Documents.

If SOTEI fails to correct this defective Work in accordance with the Owner's written instructions, the Owner will have the defective Work corrected or repaired by another contractor, with all costs being passed back to SOTEI, as permitted by the Contract Documents under G.C. 13.07(B).

The correction period for this defective Work shall be extended for an additional period of one year after such correction has been satisfactorily completed, pursuant to G.C. 13.07(D).

Nothing in this correspondence should be construed to be a waiver or relinquishment of any of the Owner's rights, remedies or defenses under the Contract or at law.

Sincerely,
S/Brent Saunders, Vice President
Gallia County Commissioner

[011733-157677]

cc: Gary Silcott, Principal, Stantec
Doug Shevelow, Bricker & Eckler, LLP

****10:40 am Commissioners traveled to EMA office for information on City of Gallipolis water crisis**

LOAN REVIEW COMMITTEE APPOINTMENT

Harold Montgomery made and Brent Saunders seconded the motion to reappoint Marianne Campbell as a member of the OVRDC Loan Review Committee for the three year term of January, 2014 through December, 2016. Roll call: Mr. Montgomery, yea; Mr. Smith, absent; Mr. Saunders, yea.

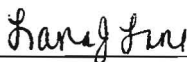
****Commissioners will remain in session due to the State of Emergency City of Gallipolis water crisis.**

ADJOURN

At 3:00 p.m. the Vice President entertained a motion for adjournment. Harold G. Montgomery made and Brent Saunders seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Smith, absent; Mr. Saunders, yea.



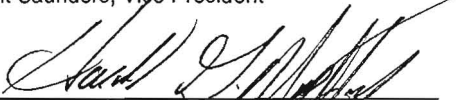
David K. Smith, President



Lana J. Lane, Clerk

absent

Brent Saunders, Vice President



Harold G. Montgomery, Commissioner