

DECEMBER 29, 2022

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

The President entertained a motion for approval of the December 22, 2022 minutes. Mr. Smith moved and Mr. Stapleton seconded motion. Roll call: Mr. Montgomery, yea; Mr. Stapleton, yea; Mr. Smith, yea.

2022 Canine Shelter Weekly Report														
Week Ending	Came in	Adopted	Reclaimed	Euthanized	Out to Rescue	MIA	Died (Natural or unknown Causes)	Destroyed (in field)	Total Out	Remaining at shelter	Out to County Foster	In from County Foster	Died in Foster (Natural or Unknown Causes)	Total in Foster
12/25	0	1	0	0	0	0	0	0	1	23	0	0	0	8

2022 YEAR-END ADVANCES & TRANSFERS

The President entertained a motion to authorize the County Auditor to advance funds from the County General Fund to the following funds, if they remain in the red after the final pay-ins dated 12/31/2022 (the following amounts are as of 12/28/2022):

- 078 – Bond Retirement fund (\$1,252.45)
- 105 – Green Sewer 1 Debt Ret Fund (\$85,153.09)
- 107 – KA Sewer O&M Fund (\$49,293.32)
- 135 – Sheriff's Bulletproof Vest Grant Fund (\$1,654.30)
- 352 – Pros – VOCA Grant Fund (\$571.65)
- 359 – VOCA-Survivor Services Grant Fund (\$6,193.27)
- 372 – Green Sewer 2 USDA Grant/Loan Fund (\$142,755.54)
- 387 – B-X-21-1AY-1 Grant Fund (\$125,901.24)

Further to grant the County Administrator & County Auditor the authority to agree on the final fund advances, fund transfers and line item transfers should any other funds or line items end the year in the red once final payroll & fringes are posted to funds. Mr. Smith moved and Mr. Stapleton seconded the motion. Roll call votes: Mr. Montgomery, yea; Mr. Stapleton, yea; Mr. Smith, yea.

ANNUAL APPROPRIATION RESOLUTION FOR FISCAL YEAR 2023

County Administrator Kevin Nicholas presented the Commission with the Annual Appropriation Resolution for all funds for the fiscal year beginning January 1, 2023 thru December 31, 2023. The appropriations totaled as follows:

General Fund

- Appropriations = \$13,523,650.00
- Encumbrances = \$52,871.10

Special Revenue Funds:

- Appropriations = \$ 36,241,541.11
- Encumbrances = \$130,725.90
- Balances Carried Forward = \$18,210,240.71 (Note this will need to be amended with grant fund carryover balances after the final 2022 payroll costs post)

Grand Total All Funds:

- Appropriations = \$49,765,191.11
- Encumbrances = \$183,597.00
- Balances Carried Forward = \$18,210,240.71 (Note this will need to be amended with grant fund carryover balances after the final 2022 payroll costs post)

Harold Montgomery entertained a motion that the Annual Appropriation Resolution for the fiscal year 2023 be approved and signed by the Commission. Mr. Smith made and Mr. Stapleton seconded the motion. Upon roll call, votes were as follows: Mr. Montgomery, yea; Mr. Stapleton, yea; Mr. Smith, yea.

DJFS

Director Dana Glassburn provided an update on current and future JFS grants, personnel and the new DJFS Job Center. No action taken.

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911 – PERSONNEL

911 Director, Sherry Daines presented with the recommendation for the commissioners to accept the resignation of employee Alyssa Beaver effective December 30, 2022. The president entertained the motion to accept the recommended resignation, Mr. Stapleton moved and Mr. Smith seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Stapleton, yea; Mr. Smith, yea.

STATUS OF GREEN SEWER 2 PROJECT FROM DLZ

DLZ Sewer Project Engineer Gary Silcott advised regarding the progress of J&H since your letter of Declaration and Termination of Contract dated 11/14/22:

As of today, J&H has failed to mobilize additional forces and equipment and increase the rate of production. They have also not done any testing as requested when you met with them and discussed that you would like them to concentrate on getting what they do have done completed and operational so that you could at least start connections and generate some revenue to make your payments while they finished the remainder of the project.

CONTRACT TERMINATION – GREEN SEWER 2 PROJECT

President Montgomery entertained a motion to approve a resolution terminating for cause the county's contract with J&H based on progress status from DLZ and recommendation from the county's attorney Doug Shevelow. Mr. Smith moved and Mr. Montgomery seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Stapleton, yea; Mr. Smith, yea.

A RESOLUTION TERMINATING FOR CAUSE THE COUNTY'S CONTRACT WITH J&H REINFORCING & STRUCTURAL STEEL ERECTORS, INC. FOR CONSTRUCTION OF THE GREEN TOWNSHIP SANITARY SEWER IMPROVEMENTS PROJECT PHASE II AND AUTHORIZING THE COUNTY ADMINISTRATOR TO MAKE ARRANGEMENTS FOR COMPLETION OF THE WORK

WHEREAS, on May 20, 2021, the Gallia County Commissioners ("Commissioners") entered into a Contract with J&H Reinforcing & Structural Steel Erectors, Inc. ("J&H") for construction of the Green Township Sanitary Sewer Improvements Project Phase II ("the Project"); and

WHEREAS, J&H furnished a performance bond ("Bond"), underwritten by Merchants National Bonding, Inc. as Surety, securing J&H's performance of the Contract, for the benefit of the County; and

WHEREAS, the Contract requires substantial completion of the work by July 26, 2022; however, as of the date of this resolution, the Contract work is only approximately 50% complete, and as a result of construction of the Project, certain portions of Deenie Drive, Kristi Drive, and Maplewood Drive have been heavily damaged, constituting actual physical disaster that poses a danger to the travelling public and hinders emergency response services, creating a real and present emergency that will worsen with the upcoming onset of winter weather, and prohibit complete snowplowing efforts; and

WHEREAS, under the terms of the Contract the Commissioners, on or about November 14, 2022 served notice upon J&H that the Commissioners were considering declaring J&H in material default of the Contract and terminating the Contract for cause unless J&H, within seven days, began to correct its failure to perform consistent with the requirements of the Contract by applying significant additional forces and equipment to completing the Project in timely manner and continue to do so until completion of the Project; and

WHEREAS, the J&H has continued to fail to perform consistent with the requirements of the Contract by failing to provide a satisfactory recovery schedule and by failing to apply significant additional forces and equipment to complete the Project in timely manner, placing J&H in material default of the Contract;

NOW, THEREFORE BE IT RESOLVED BY THE Board of Gallia County Commissioners, Ohio, that:

1. The County Commissioners find that J&H Reinforcing & Structural Steel Erectors, Inc. is in material default of its contract for construction of the Green Township Sanitary Sewer Improvements Project Phase II.
2. The County Commissioners hereby terminate for cause the County's contract with J&H Reinforcing & Structural Steel Erectors, Inc. for construction of the Green Township Sanitary Sewer Improvements Project Phase II.
3. The County Commissioners reserve all available rights under the County's now-terminated contract with J&H Reinforcing & Structural Steel Erectors, Inc. for construction of the Green Township Sanitary Sewer Improvements Project Phase II.
4. The County Administrator is authorized to enforce the County's rights under the law and its now-terminated contract with J&H Reinforcing & Structural Steel Erectors, Inc. for construction of the Green Township Sanitary Sewer Improvements Project Phase II, in order to achieve the most timely completion practicable for the work; this includes, but is not limited to negotiating terms with the Surety to present to the Commissioners for approval, or exercising all of the County's rights under the law to secure terms with a replacement contractor to present to the Commissioners for approval.
5. The foregoing Resolution was adopted in open session to the public and complies with all applicable legal requirements.

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- 6. The Resolution is being passed to preserve the health and safety of the public in relation to the Project and to accommodate the timely completion of applicable contracting processes of this body, the State, and funding agencies.

Duly enacted by the Board of Gallia County Commissioners on this 29th day of December, 2022.

Gallia County Commissioners

s/ Harold G. Montgomery, President

s/ Amanda Phillips, Clerk to the Board

s/ Q. J. Stapleton, Vice-President


s/ David K. Smith, Commissioner

EXECUTIVE SESSION – COMMISSIONERS – PERSONNEL

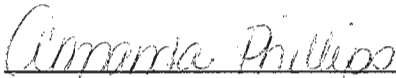
11:27 a.m., the President entertained a motion to enter into executive session with Commissioners to discuss personnel matters. David K. Smith moved and Q. Jay Stapleton seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Stapleton, yea; Mr. Smith, yea. Returned to regular session at 11:55 a.m. No action taken.

ADJOURN


At 4:00 p.m. the President entertained a motion for adjournment. Mr. Smith moved and Mr. Montgomery seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Stapleton, yea; Mr. Smith, yea.



 David K. Smith, President



 Amanda Phillips, Clerk to the Board



 Q. Jay Stapleton, Vice President



 Leslie Henry, Commissioner