IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY, OHIO
CIVIL DIVISION

David Esrati 113 Bonner St. Dayton, OH 45410	:	**CASE No. 2022 CV 00605** **Docket no: 36085682**
Plaintiff,	:	**JUDGE JERRY MCBRIDE**
vs.	:	
:	:	**RESPONSE TO MOTION TO DISMISS**
Montgomery County Board of Elections 451 W. Third St. Dayton, OH 45422 and **Jeffrey Rezabek** **Director** : **Montgomery County Board of Elections** 451 W. Third St. Dayton, OH 45422 and **Sarah Greathouse** **Deputy Director** : **Montgomery County Board of Elections** 451 W. Third St. Dayton, OH 45422	:	
Defendants.	:	

WHY DEFENDANT'S MOTION IS SCURRILOUS AND CONTEMPTIBLE

The State filed a motion to dismiss, stating "Plaintiff's Complaint should be dismissed in its entirety because it fails to state a viable claim."

It's not quite clear what planet the State is on, because my command of the English language is above that of a third grader.

Rule Civ.R.12(C) requires "no material factual issue exists", yet I clearly stated a factual issue: namely, that what the Board of Elections supplies as an "Agenda" is insufficient to serve as an agenda, and that the ORC 121.22 requires not just a date and time of a meeting, but the actual purpose of the meeting. The State cut that part of the law out of their incoherent motion for judgement on the pleadings:

They supplied:

> "The Ohio Open Meetings Act, which is contained within R.C. 121.22, does not require a public body to publish a specific agenda, or even any agenda at all, for its regular public meetings. Instead, R.C. 121.22(F) requires that a public body establish "a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings …." R.C. 121.22(F) (Emphasis added)."

A critical missing piece is the two words that follow "time, place" in the law:

> "(F) Every public body, by rule, shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, ***and purpose*** of all special meetings." *Emphasis added*

It is unfortunate that our laws are written by lawyers and politicians, who have at best, a third-grade level command of the English language. The question of whether only special meetings require the purpose of the meetings is unclear, and probably purposefully so. The entire purpose of ORC 121.22 is to provide the citizens the ability to keep track of their government, and that it is not done in a manner to conceal, or obscure, the workings of those who are supposed to serve us. Unfortunately, the State "empowers" or "deputizes" citizens to enforce it through a very unwieldy process.

That is why it is the only law I know that comes with required training and a 250-page handbook that instructs citizens that is up to them to enforce the law via filings in Common Pleas Court, and that the courts are to always err to the side of openness. ORC 121.22 is a good example of a law written to honor the spirit of the law as opposed to the letter of the law.

In 1822, President James Madison wrote: "A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy ... a people who mean to be their own Governors, must arm themselves with the power which knowledge gives."

Because citing other cases serves to obfuscate (that means to "render obscure, unclear, or unintelligible"), I will give a clear example that even the prosecutor can understand:

Their agenda amounts to a notice that says, “There will be a baseball game on Tuesday, at 9am. It will have nine innings- if things go as planned- and you may attend.”

They reuse the same agenda for every meeting, with perhaps a few adjustments. If the members of the BOE were only given this agenda, they would be missing some key facts they need to do their jobs, such as: what two teams are playing, who the home team is, what the lineups are and the batting order, and who the umpires will be.

In other words, they’d show up, and not know if they are coming to watch Pop Warner or the Reds. And, since they are the actual players in this game, they wouldn’t know what position they were supposed to play, what order to bat, or who their opponents were. It wouldn’t be much of a baseball game.

Compare the BOE agenda to any other public body agenda. I’m including 3 recent agendas (Appendix 1) for Montgomery County Commission, the Dayton City Commission, and the Dayton Public Schools. On each of these agendas, you know exactly what they are going to discuss, who is going to present and what they will vote on. And, specifically, that if they are going into “Executive session,” the purpose of that part of the meeting will be classified as eligible according to the 4 main exemptions that qualify going into private for discussion.

Reviewing the 52 emailed “agendas” and schedules, the BOE lists going into executive session 5 times. Only one, on Jan 25, 2019 do they say the purpose: “to consider new voting system” which would qualify under section G(2) put should be more explicit. See Appendix 2

> (2) To consider the purchase of property for public purposes, the sale of property at competitive bidding, or the sale or other disposition of unneeded, obsolete, or unfit-for-use property in accordance with section 505.10 of the Revised Code, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of a public body shall use division (G)(2) of this section as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of a public body that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.

The other 4 executive sessions, fail to mention a reason, causing them to be violations of 8(b)

> If a public body holds an executive session to consider any of the matters listed in divisions (G)(2) to (8) of this section, the motion and vote to hold that executive session shall state which one or more of the approved matters listed in those divisions are to be considered at the executive session.

And for the record, the other three public bodies all broadcast their meetings live, supply both agendas and minutes of past meetings on their respective websites.

The reason for the plaintiff's actions are immaterial to the defendants excuse for their violations of the sunshine laws. It is clearly established law that in America, when a citizen wants to examine the functions of government via public records, unless these records are critical to national security or would be personally intrusive (violating privacy) or providing proprietary information such as plans to purchase real estate or marketing plans, our government is supposed to be a "we the people" kind of thing- in other words, what is yours is ours. This is why we have Sunshine laws in Ohio and the Freedom of Information Act at the Federal level.

With a growing number of jurisdictions and organizations that receive tax dollars in Montgomery County and shrinking budgets for news coverage/the Forth Estate, the public has less confidence in our government. Due to cuts in the important check and balance of journalistic inquiry, which has existed since the days of the founding fathers, the public is forced to pick and choose which organizations require public oversight. By providing vacuous agendas, the Board of Elections almost guarantees little public scrutiny.

With the advent of the Internet, it has become easier and more cost efficient to do so many things, including publishing public records. The Board of Elections has proven that they have the skills to do near real time publication of voting results, there is no lack of capability on their part, what is missing is the desire to comply with the law, which is why the plaintiff filed this lawsuit.

For the most part, Ohio's Sunshine laws are a toothless hag who will never walk down the aisle of matrimony. She's like the crazy auntie who is kept in hiding, in the coal cellar, while being fed table scraps and swill, only trotted out when convenient (and mostly for political purposes). I've yet to find an example where public officials were removed from office for violations, or held personally liable when found guilty of violating the law. The only people who can benefit from this statute are attorneys who are eligible for reimbursement for their fees if they prevail, yet the plaintiffs, the folks who win, get peanuts. The filing fee almost equals the punitive fine.

I claim this is a violation of the 14th Amendment, under the equal protection clause. My time is just as valuable as a lawyer, yet, in Ohio, I'm supposed to pay up front to hire an attorney to "represent me" and run a virtually unlimited timer, while I'm already paying taxes to pay for the prosecutor to defend criminal behavior by partisan political agents posing as legitimate elections officials. So in effect, I'd be paying the whole bill, in order to "win" a symbolic payment of a meager fine that is coming out of my tax dollars.

If I was charged with a crime, I'd have the right to have an attorney provided to me if I couldn't afford one. Here, I have no help from anyone. How is this either equal or fair?

As a taxpayer, I've presented several cases to the prosecutor for prosecution, yet, he doesn't seem interested in enforcing the laws in any of these examples:

- A school board member committed voter fraud, and no longer lived in the district. Both violations of law, yet the prosecutor did nothing. See www.esrati.com/manofmystery
- The county sheriff pepper sprayed an inmate in restraints for a second time, despite the sheriff claiming the first time wasn't normal. As a veteran, who knows what international law allows for treatment of prisoners, I find this violence against poor defenseless citizens reprehensible. Our prosecutor did nothing: www.esrati.com/deadly
- The department of public health in Montgomery County awarded a no-bid contract to an ad agency steered by an assistant to a County Commissioner. Despite questions of why he was involved, $200,000 was delivered to the agency on meaningless invoices. I published my findings, and no investigation was made. The Commissioners assistant later resigned and was given a position on the Montgomery County Veterans Services Commission which pays almost $10K a year for 2 meetings a month- and revealed that he was both the co-founder and Chief Operating Officer of the ad agency which was formed before the contract in question was awarded. See: https://Esrati.com/fishy
- I could also mention that when I was embezzled for $35K and had copious evidence, the prosecutor came back with no true bill from the Grand Jury. Later, the Disabled Veteran who I am POA for, pressed similar charges against the same woman for $3K with less evidence- and she pled guilty to 3 felonies. https://esrati.com/thief

However, no expense can be spared when protecting the people who help keep the prosecutor in public office, the Board of Elections. Over the years, the Democratic party has allowed employees of the prosecutor to be appointed to precincts that they don't live in to vote to affirm his election and their support as members of the central committee. The State Party recently said that appointing non-residents

as precinct captains was a violation of their rules and state law. It is for this reason that I believe that the Prosecutor has no business defending the partisan political appointees of the Board of Elections.

Considering ORC121.22 puts the onus of enforcing violations with removal from office on the prosecutor, it's antithetical for them to be defending the public officials who are breaking the law. See section 4:

> (4) A member of a public body who knowingly violates an injunction issued pursuant to division (I)(1) of this section may be removed from office by an action brought in the court of common pleas for that purpose by the prosecuting attorney or the attorney general.

Currently the Ohio Supreme Court is examining the intent and wording of the part about what counts as a violation in a public meeting. Is it per elected official, per item on the agenda, per meeting, and what is the intent of the law by handing out a $500 fine. See, **2021-0706: Brian M. Ames v. Rootstown Township Board of Trustees**

The plaintiff claims that the fine is supposed to be remedial in its use and its aims, and to be contrary to both the letter and the spirit of the Open Meetings act. These laws are supposed to be construed liberally in favor of its purposes and aims. These violations are to be enforced via an injunction- yet, the cost of filing is close to $400, and the reward is only $500, there is zero incentive for the public to serve as a private attorneys general in bringing these kinds of cases.

As a citizen journalist, I have an interest in who the board of elections employs. I reported where a political patronage job holder, who was a high ranking member of the Montgomery County Democratic Party hired her brother without posting the job publicly. There was a slight problem in that he was a convicted rapist. https://esrati.com/government-job-no-posting-required/5831

That same director, who took responsibility for the mis-hire, was set to retire and be replaced by another political patronage person as director. No mention of them switching jobs was mentioned in the agendas, and had it not been for an anonymous tip, I wouldn't have known to ask at the time I filed this lawsuit. After much delay, in a letter to me, on March 11, 2022, I was told that a deal was done by the Democrats on the Board of elections (see Appendix 3):

I believe the information that you were requesting with regards to Mr. Harsman was concerning his transition from being Deputy Director to clerk and Ms. Sarah Greathouse being moved from clerk to Deputy Director. Ms. Greathouse was named Deputy Director in March of 2022 and Mr. Harsman was appointed as a clerk. There are no documents of the posting of the position for Deputy Director or for the clerk's position and there were no interviews to my knowledge. As to your request for a "contract", please see the attached "Letter of Agreement" that was signed by Mr. Harsman, Ms. Greathouse, Mr. Mark Owens, Ms. Rhine McLin and Mr. Kurt Hatcher.

Mr. Harsman's annual salary from January 1, 2021 – December 31, 2021 was $154,398.40 and from January 1, 2022 – January 31, 2022 received a salary based on an annual salary of $159,057.60.

This kind of insider dealing, where no job was posted, and the retired director is paid more to do less is why the Ohio Sunshine Laws exist. The BOE supplied a substandard document titled "Letter of Agreement"- they know how to scan properly- with signatures of the above parties working out this private insider deal. (Appendix 4) On the basis of this secret deal, the prosecutor should be suing for all monies paid to Mr. Harsman by this illegal deal, and Ms. Greathouse, Ms. McLin and Mr. Hatcher should all be removed from office. Mr Mark Owens should also be charged with felony theft in office, as a public official who is authorizing an illegal contract outside of government contracting standards.

As a final point to make, the only people who benefit from enforcing these poorly written laws are the attorneys, who can be paid tens of thousands of dollars out of the public fund, for the miscarriages of public officials who choose to violate the law. The public officials are not held personally liable, and there is no example I can find of anyone ever being removed from office for violating these laws in the State of Ohio.

The prosecutor should be charged with obstruction of justice and dereliction of duty and fired from his position for his filings against this well documented fraud being committed by the political parties in the office which must be held to the highest standards of trust.

Respectfully submitted,

/s/David Esrati
Pro Se
113 Bonner St. :
Dayton, OH 45410

CERTIFICATE OF SERVICE

I hereby certify that on May 20th, 2022 I electronically filed the foregoing with the Clerk of Courts using the Montgomery County Electronic Filing System, which will send notification of such filing to all parties if they are registered users or, if they are not, by placing a true and correct copy in the United States mail, postage prepaid, to their address of record.

/s/ David Esrati
David Esrati *pro se*

APPENDIX 1

MONTGOMERY COUNTY COMMISSION MEETING

COUNTY COMMISSIONER
Debbie Lieberman

COUNTY ADMINISTRATOR
Michael B. Colbert

COUNTY COMMISSIONER
Carolyn Rice
President

COUNTY COMMISSIONER
Judy Dodge

ASSISTANT PROSECUTOR
Ward C. Barrentine

CLERK OF COMMISSION
Emily Bradford

TUESDAY, MAY 3, 2022

1:30 P.M.

I. CALL TO ORDER:

II. ROLL CALL:

III. PLEDGE OF ALLEGIANCE:

CULTURE WORKS KICKOFF – Michael London & Rita Harden

ENVIRONMENTAL LEARNING CENTER VIRTUAL TOUR - Jaime Shepherd

IV. COUNTY ENGINEER – Paul Gruner, County Engineer

22-0711 Auth. an agreement with Fishbeck for general engineering services for the Social Row Road Project, Phase 2, at a cost not to exceed $347,945 through June 30, 2026.

22-0712 Auth. a Cost-Sharing Agreement with the City of Franklin for the final design phase of the Dayton-Cincinnati Pike Retaining Wall Project, City of Franklin and Miami Township.

22-0713 Set the date of May 24, 2022 for the viewing and June 7, 2022 for the hearing on the Airway Road Bridge Replacement Project, City of Riverside.

V. COUNTY SHERIFF – Rob Streck

22-0714 Apply for a grant from the Ohio Dept. of Public Safety/Ohio Traffic Safety Office for funding of the High Visibility Enforcement Overtime Program.

VI. CLERK OF COURTS – Mike Foley

22-0715 Amend the Software Maintenance Agreement with Courtview Justice Solutions, Inc. DBA Equivant for Courtview Application Software through December 31, 2026, by reducing the annual cost of the agreement, with the first-year reduction in the amount of $29,432.

Auth. purchases for the Clerk of Courts Server Replacement Project:

22-0716 Oarnet for computer software and annual support, in an amount not to exceed $150,000.

22-0717 Dell Marketing, LLP for computer hardware and annual maintenance, in an amount not to exceed $150,000.

VII. COUNTY ADMINISTRATOR – Michael B. Colbert, Administrator

Clerk's Office – Emily Bradford

Approve the minutes of the meetings on April 26, 2022.

22-0718 Approval of Bills. (List available in the Clerk's office)

22-0719 Approval of Travel and Expenses. (List available in the Clerk's office)

Administrative Services – Tyler Small, Assistant County Administrator

22-0720 Approval of Personnel Actions. (List available in the Clerk's office)

22-0721 Select the bid and authorize an agreement with C.G. Egli, Inc., mechanical contractor, for the Historic Courthouse Boilers Replacement Project, at their lowest and best bid of $194,000 through December 31, 2022.

22-0722 Amend the Intergovernmental Agreement with the REJIS Commission to provide development and database services for JusticeWeb, by adding $895,520 to the original amount, for a revised total of $1,164,120 and extending the term through December 31, 2023.

22-0723 Auth. a Change Order to the agreement with Wise Construction Company, general contractor, for the Administration Building 8th Floor Engineer's Office & Restroom Renovation Project, by extending the term through June 30, 2022.

22-0724 Terminate the agreement with the Greater Dayton Area Hospital Assoc. for the cooperative use of decontamination trailers and equipment.

Administrative Services (continued):

22-0725 Reject the proposal for broadband consulting services for the Office of Strategic Initiatives and re-advertise.

Solicit bids:

22-0726 Administration Building 9th Floor Renovation Project, at an estimated cost not to exceed $1,801,600.

22-0727 Administration Building Restrooms Renovation Project, at an estimated cost of $1,949,100.

Request proposals:

22-0728 Banking services for the Treasurer's Office.

22-0729 Basic skills and instructional services for the Business Services Dept.

22-0730 HazMat Vehicle for the Risk, Safety, and Emergency Management Dept.

O.M.B. – John Parks, Director

22-0731 Auth. an agreement with Ohio State University Extension, Montgomery County, for purposes prescribed in ORC Section 3335.36, at a cost not to exceed $215,163 through December 31, 2022.

Human Services – Tom Kelley, Assistant County Administrator

Department of Job & Family Services – Michelle Niedermier, Director

22-0732 Auth. an agreement with the Ohio Dept. of Job & Family Services to accept a subgrant award for Child Assessment Needs and Strengths (CANS), in the amount of $60,000 through June 30, 2022.

Auth. agreements for substitute care services through March 31, 2024:

22-0733 Better Beginnings for a Brighter Future.

22-0734 Brighter Future for Youth.

22-0735 Healing Pathways Transitional Homes, Inc.

22-0736 Just Like Us Enrichment Agency.

Department of Job & Family Services (continued):

22-0737 L Strong Group Home, LLC.

22-0738 Mended Reeds, Inc.

22-0739 Nika's Group Home, LLC.

22-0740 Ocec Foundation.

22-0741 OhioMHAS - Cincinnati Children's College Hill Campus.

22-0742 OhioMHAS - Keystone Richland Center, LLC DBA Foundations for Living.

22-0743 Perimeter Behavioral of the Ozarks.

22-0744 Richmeier Therapeutic Home.

22-0745 State of Missouri - Woodridge of Missouri DBA Piney Ridge Center.

22-0746 The Bair Foundation.

22-0747 Willow Branches of Healing.

22-0748 Woodridge Northeast, LLC.

Business Services – Chris Williams, Assistant County Administrator

Workforce Development – Marvene Mitchell-Cook, Director

22-0749 Auth. a Memorandum of Understanding between with the Business Services Dept., Montgomery County Office of Reentry, and MonDay Community Correctional Institute to provide collaborative assistance to individuals in making a successful transition from incarceration to employment through the Pathway Home Grant.

Community & Economic Development – Erik Collins, Director

22-0750 Amend the Economic Development/Government Equity (ED/GE) agreement with the City of Union for the Bolt/Titan Project, by amending the percentage of the total project cost to 3.125%.

COMMENTS BY CITIZENS:

COMMENTS BY COUNTY ADMINISTRATOR:

COMMENTS BY COMMISSIONERS:

ADJOURNMENT:

THE NEXT MONTGOMERY COUNTY COMMISSION MEETING WILL BE TUESDAY, MAY 10, 2022 AT 1:30 P.M.

CITY COMMISSION MEETING AGENDA

CITY COMMISSION **DAYTON, OHIO** **MAY 4, 2022**

6:00 P.M.

I. AGENDA SCHEDULE

Please register to speak on items 9, 11 and 13 with the Clerk of the Commission. (Sign-up sheets at entrance of Commission Chambers.)

1. Call Meeting to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Approval of Minutes
6. Communications and Petitions Distribution (if any)
7. Special Awards/Recognition
8. Discussion of City Manager's Recommendations (See Section II)
9. Citizen Comments on City Manager's Recommendations
10. City Commission Action on City Manager's Recommendations
11. Public Hearings: **N/A**
12. Discussion Item: **N/A**
13. Comments by Citizens - Please register to speak with the Clerk of Commission (Non - Calendar items) sign-up sheets at entrance of Commission Chambers
14. Comments by City Manager
15. Comments by City Commission
16. Work Session: **Finance Committee Briefing**
    4:30 P.M. - PRC
    https://www.daytonohio.gov/govtv
17. Miscellaneous (See Section VI)

II. CITY MANAGER RECOMMENDATIONS (Item #8 above)

The following recommendations are offered for City Commission approval.

A. Purchase Orders, Agreements and Contracts:

(All contracts are valid until delivery is complete or through December 31st of the current year).

1. **Purchase Orders:**

AVIATION

A1. American Association of Airport Executives - annual service, maintenance and support agreement for the Interactive Employee Training System (IETS) as needed through 12/31/25) **$58,200.00**

1. **(Cont'd):**

PUBLIC WORKS

B1. SBC Global Services, Inc., dba AT&T Global (telecommunication/monitoring services as needed through 12/31/25) **$90,000.00**

WATER

C1. MSD Environmental Services, Inc. (biosolids dewatering parts and related items as needed through 12/31/22) **20,000.00**

C2. PdMA Corporation (one MCEmax motor tester) **47,160.00**

C3. Process Pump & Seal, Inc. (Chesterton split mechanical seals and spare parts) **12,000.00**

C4. TEMCO, Inc. (controllers, sensors and other monitoring equipment as needed through 12/31/22) **15,000.00**

C5. JCI – Jones Chemicals, Inc. (liquid chlorine gas as needed through 12/31/25) **1,250,000.00**

C6. NCH Corporation (parts, service and solvents as needed through 12/31/25) **52,000.00**

-Depts. of Aviation, Public Works and Water **Total: $1,544,360.00**

D. Development Agreement:

2. **JM Enterprise LLC dba Third Perk Coffeehouse – Development Agreement** – to assist in the establishment of a new restaurant at 3907 West Third Street – Department of Planning, Neighborhoods and Development/Development. **$50,000.00 (Thru 12/31/23)**

E. Other – Contributions, Etc.:

3. **Comptech Computer Technologies, Inc. – Payment of Voucher** – for payment of invoices for temporary staffing services used to complete field and course maintenance rendered at Kettering Field and Community Golf Club – Department of Recreation/Golf. **$56,945.75**

4. **Miami Valley Regional Planning Commission (MVRPC) - Other** – for 2022 membership dues – Department of Planning, Neighborhoods and Development/Planning **$65,102.42**

IV. LEGISLATION:

Emergency Resolution – First Reading

5. **No. 6642-22** Authorizing the Acceptance of a Grant Award for a Fair Housing Assistance Program from the United States Department of Housing and Urban Development on Behalf of the Human Relations Council of the City of Dayton in an Amount Not to Exceed Sixty-Six Thousand Eight Hundred Dollars and Zero Cents ($66,800.00), and Declaring an Emergency.

Emergency Ordinance – Second Reading

6. **No. 31977-22** Amending Section 34.50 of the Revised Code of General Ordinances to Stay Community Appeals Board Hearings During Ongoing Litigation, and Declaring an Emergency.

Informal Resolution

7. **No. 995-22** Condemning The Invasion of the War in Ukraine and Supporting Ongoing Refugee and Peace Efforts for The Ukrainian People.

VI. MISCELLANEOUS:

ORDINANCE NO. 31978-22

RESOLUTION NO. 6643-22

IMPROVEMENT RESOLUTION NO. 3599-22

INFORMAL RESOLUTION NO. 996-22

City Manager's Report

1.

From 2730 – PMB/Procurement

Date May 4, 2022

Expense Type Purchase Order

Total Amount $1,544,360.00

Supplier, Vendor, Company, Individual

Name See Below

Address See Below

2021 Purchase Orders

Fund Source(s)	Fund Code(s)	Fund Amount(s)
See below	See below	See below

Includes Revenue to the City ☐ Yes ☑ No **Affirmative Action Program** ☑ Yes ☐ No ☐ N/A

Description

AVIATION

(A1) P0220888 – AMERICAN ASSOC. OF AIRPORT EXECUTIVES, ALEXANDRIA, VA

- Annual service, maintenance and support agreement for the Interactive Employee Training System (IETS).
- These services are required to provide employee training to ensure compliance with Federal regulations and will provide a training system that includes continuous operation, version upgrades, system enhancements and technical support.
- American Assoc of Airport Executives is recommended as the original software developer and sole source of this proprietary service agreement; therefore, this purchase was negotiated.
- The Department of Aviation requests additional authority of $45,000.00 through 12/31/2025.
- The Department of Aviation recommends approval of this order.

Fiscal Year	Fund Source(s)	Fund Code(s)	Fund Amount(s)
2022	DIA Airport Operations	51000-3210-1166-43	$13,200.00
2023	DIA Airport Operations	51000-3210-1166-43	$15,000.00
2024	DIA Airport Operations	51000-3210-1166-43	$15,000.00
2025	DIA Airport Operations	51000-3210-1166-43	$15,000.00

Signatures/Approval

Melissa A. Wilson, CPPB, NIGP-CPP
Division

M. Jones
Department

C. LaShea Patton
City Manager

Approved by City Commission

Clerk

Date

FORM NO. MS-16

BACK

Updated 06/2016

PUBLIC WORKS – STREET MAINTENANCE

(B1) P0220183 – SBC GLOBAL SERVICES, INC. dba AT&T GLOBAL, COLUMBUS, OH

- Telecommunication / monitoring services as needed through 12/31/2022.
- These services are required to monitor fourteen (14) illegal dumping sites in the City of Dayton.
- SBC Global Services, Inc. dba AT&T Global is recommended as the single source for these proprietary services; therefore, this purchase was negotiated.
- This amendment increases the previously authorized amount of $6,000.00 by $15,000.00 for a total not to exceed $21,000.00 and therefore requires City Commission approval.
- The Department of Public Works requests additional authority of $75,000.00 through 12/31/2025.
- The Department of Public Works recommends approval of this order.

Fiscal Year	Fund Source(s)	Fund Code(s)	Fund Amount(s)
2022	General Fund	10000-6420-1131-54	$15,000.00
2023	General Fund	10000-6420-1131-54	$25,000.00
2024	General Fund	10000-6420-1131-54	$25,000.00
2025	General Fund	10000-6420-1131-54	$25,000.00

WATER – WATER RECLAMATION

(C1) P0220552 – MSD ENVIRONMENTAL SERVICES, INC., EATON, OH

- Biosolids dewatering parts and related items as needed through 12/31/2022.
- These goods are required for the maintenance of the biosolids dewatering facility.
- MSD Environmental Services, Inc. is recommended as the sole regional distributor for BDP manufacturing equipment; therefore, this purchase was negotiated.
- This amendment increases the previously authorized amount of $11,000.00 by $20,000.00 for a total not to exceed $31,000.00 and therefore requires City Commission approval.
- The Department of Water recommends approval of this order.

Fiscal Year	Fund Source(s)	Fund Code(s)	Fund Amount(s)
2022	Sanitary Sewer Operating	55000-3460-1301-54	$20,000.00

(C2) P0220887 – PdMA CORPORATION, TAMPA, FL

- One (1) MCEmax motor tester.
- This equipment is required to test single and three phase motors.
- PdMA Corporation is recommended as the Original Equipment Manufacturor (OEM); therefore, this purchase was negotiated
- The Department of Water recommends approval of this order.

Fiscal Year	Fund Source(s)	Fund Code(s)	Fund Amount(s)
2022	Sanitary Sewer Operating	55000-3460-1411-54	$47,160.00

WATER – WATER RECLAMATION (CONTINUED)

(C3) P0220437 – PROCESS PUMP & SEAL, INC., CINCINNATI, OH

- Chesterton split mechanical seals and spare parts.
- These goods are required to repair critical pumps at the City's Broadway and Westwood pump stations, as well as pumps at other locations.
- Process Pump & Seal, Inc. is recommended as the sole regional municipal distributor for Chesterton products; therefore, this purchase was negotiated.
- This amendment increases the previously authorized amount of $26,000.00 by $12,000.00 for a total not to exceed $38,000.00 and therefore requires City Commission approval.
- The Department of Water recommends approval of this order.

Fiscal Year	Fund Source(s)	Fund Code(s)	Fund Amount(s)
2022	Sanitary Sewer Operating	55000-3460-1301-54	$12,000.00

(C4) P0220455 – TEMCO, INC., LOVELAND, OH

- Controllers, sensors and other monitoring equipment as needed through 12/31/2022.
- These goods are required to maintain multiple process controls through the Water Reclamation facilities.
- Temco, Inc. is recommended as the sole regional distributor for multiple brands of related supplies; therefore, this purchase was negotiated.
- This amendment increases the previously authorized amount of $15,000.00 by $15,000.00 for a total not to exceed $30,000.00 and therefore requires City Commission approval.
- The Department of Water recommends approval of this order.

Fiscal Year	Fund Source(s)	Fund Code(s)	Fund Amount(s)
2022	Sanitary Sewer Operating	55000-3460-1167-54	$15,000.00

WATER – WATER SUPPLY AND TREATMENT

(C5) P0220213 – JCI – JONES CHEMICALS, INC., SARASOTA, FL

- Liquid Chlorine gas as needed through 12/31/2022.
- This good is required for the treatment of potable water at the Ottawa and Miami water treatment plants.
- Rates are in accordance with the City of Dayton's existing price agreement IFB 22013S with pricing through 12/31/2025.
- This amendment increases the previously authorized amount of $120,000.00 by $200,000.00 for a total not to exceed $320,000.00 and therefore requires City Commission approval.
- The Department of Water requests additional authority of $1,050,000.00 through 12/31/2025.
- The Division of Water recommends approval of this order.

Fiscal Year	Fund Source(s)	Fund Code(s)	Fund Amount(s)
2022	Water Operating	53000-3430-1316-54	$200,000.00
2023	Water Operating	53000-3430-1316-54	$350,000.00
2024	Water Operating	53000-3430-1316-54	$350,000.00
2025	Water Operating	53000-3430-1316-54	$350,000.00

WATER – WATER SUPPLY AND TREATMENT (CONTINUED)

(C6) P0220886 – NCH CORPORATION, IRVING, TX

- Parts, service and solvents as needed through 12/31/2022.
- These goods and services are needed to maintain brake station tanks.
- NCH Corporation is recommended as the Original Equipment Manufacturor (OEM); therefore, this purchase was negotiated
- The Department of Water recommends approval of this order.

Fiscal Year	Fund Source(s)	Fund Code(s)	Fund Amount(s)
2022	Water Operating	53000-3430-1143-54	$13,000.00
2023	Water Operating	53000-3430-1143-54	$13,000.00
2024	Water Operating	53000-3430-1143-54	$13,000.00
2025	Water Operating	53000-3430-1143-54	$13,000.00

The aforementioned departments recommend approval of this order.

BACK

City Manager's Report

2.

From 2370 – Planning, Neighborhoods & Dev. / Development

Date May 4, 2022

Expense Type Development Agreement

Supplier, Vendor, Company, Individual

Total Amount $50,000.00 thru 12-31-2023

Name JM Enterprise LLC
dba Third Perk Coffeehouse

Address 146 East Third St.
Dayton, Ohio 45402

Fund Source(s)	Fund Code(s)	Fund Amount(s)
Special Revenue Fund	22502-2370-1224-41	$50,000.00

Includes Revenue to the City ☐ Yes ☑ No **Affirmative Action Program** ☑ Yes ☐ No ☐ N/A

Description

West Dayton Development Trust Fund Agreement

The Department of Planning, Neighborhoods & Development is requesting approval to enter into a West Dayton Development Trust Fund Agreement with JM Enterprise LLC dba Third Perk Coffeehouse (Third Perk Coffeehouse) in the amount of $50,000.00. Third Perk Coffeehouse plans to invest $200,000.00 to establish a new restaurant at 3907 W. Third Street, in Dayton, Ohio.

Third Perk Coffeehouse is currently operating in downtown Dayton and plans to open a southern cuisine carry-out restaurant. The owner will provide fresh and healthy food to customers living in or near the Arlington and Westwood neighborhood districts. There are limited dining options in these neighborhoods. Food prepared at the southern cuisine carry-out restaurant will be available to customers at the Third Perk Coffeehouse, located at 146 E. Third Street. The owner is also planning to partner with Chef Mark Brown to provide on-site culinary training to up-and-coming chefs.

Funds approved under this Agreement will assist with property acquisition, interior and exterior building/site improvements: fencing, signage, lighting, machinery, equipment, furniture, fixtures, electrical, plumbing, and HVAC upgrades.

The Agreement will commence upon execution by the City and expire December 31, 2023.

The Department of Law has reviewed and approved this Agreement as to form and correctness.

Funding source is the West Dayton Development Trust Fund – City Commission Discretionary Fund.

A Certificate of Funds and map is attached.

Signatures/Approval

E-SIGNED by Chris Lipson on 2022-04-22 15:20:12 GMT

Division

E-SIGNED by Todd Kinskey on 2022-04-22 15:23:26 GMT

Department

City Manager

Approved by City Commission

Clerk

Date

FORM NO. MS-16

Updated 8/2016

CERTIFICATE OF FUNDS

CT22-3284

SECTION I - to be completed by User Department

NO DRAFT DOCUMENTS PERMITTED

x New Contract ____ Renewal Contract ____ Change Order:

Contract Start Date	upon execution
Expiration Date	12/31/2023
Original Commission Approval	$ 50,000.00
Initial Encumbrance	$ 50,000.00
Remaining Commission Approval	$ -
Original CT/CF	
Increase Encumbrance	$ -
Decrease Encumbrance	$ -
Remaining Commission Approval	$ -

Required Documentation

x	Initial City Manager's Report
x	Initial Certificate of Funds
x	Initial Agreement/Contract
	Copy of City Manager's Report
	Copy of Original Certificate of Funds

Amount: $ 50,000.00	Amount:
Fund Code 22502 - 2370 - 1224 - 41 - ____ - ____ (Fund - Org - Acct - Prog - Act - Loc)	Fund Code XXXXX - XXXX - XXXX - XX - XXXX - XXXX (Fund - Org - Acct - Prog - Act - Loc)
Amount:	Amount:
Fund Code XXXXX - XXXX - XXXX - XX - XXXX - XXXX (Fund - Org - Acct - Prog - Act - Loc)	Fund Code XXXXX - XXXX - XXXX - XX - XXXX - XXXX (Fund - Org - Acct - Prog - Act - Loc)

Attach additional pages for more FOAPALs

Vendor Name: JM Enterprise LLC dba Third Perk Coffeehouse

Vendor Address: 146 East Third St. (Street) Dayton (City) OH (State) 45402 (Zip code + 4)

Federal ID: 463195847

Commodity Code: 91849

Purpose: Development Agreement to fund property acquisition, interior and exterior building/site improvements; fencing; HVAC and mechanical upgrades, machinery and equipment, furniture and fixtures, signage, and lighting for property at 3907 W. Third Street.

Contact Person: Veronica Morris

Planning, Neighborhoods & Development / Development (Department/Division)

4/22/2022 (Date)

Originating Department Director's Signature: E-SIGNED by Todd Kinskey on 2022-04-22 13:29:54 GMT

SECTION II - to be completed by the Finance Department

I hereby certify that the amount of money required to meet the payment(s) called for in the aforesaid request have been lawfully appropriated for such purpose and is in the Treasury, or in the process of collection, to the credit of the fund from which it is to be drawn free and clear from any previous encumbrance.

Finance Director Signature — 4/26/22 (Date)

CF Prepared by — 4/25/22 (Date) — CT22-3284 (CF/CT Number)

MEMORANDUM | DAYTON

April 22, 2022

TO: Shelley Dickstein, City Manager
Office of the City Manager

FROM: Todd M. Kinskey, Director
E-SIGNED by Todd Kinskey on 2022-04-27 14:10:15 GMT
Department of Planning, Neighborhoods & Development

SUBJECT: West Dayton Development Trust Fund – JM Enterprise LLC dba Third Perk Coffeehouse

The Department of Planning, Neighborhoods & Development requests to enter a West Dayton Development Trust Fund Agreement with JM Enterprise LLC dba Third Perk Coffeehouse (Third Perk Coffeehouse) to assist with establishing a new restaurant at 3907 W. Third Street.

Third Perk Coffeehouse currently operates a coffeehouse at 146 East Third Street in downtown Dayton, offering great customer service and premium coffee products. The owner, Juanita Darden, plans to open a commercial kitchen at a new location and offer customers delicious southern cuisine through a carry-out restaurant. She would like to provide fresh and healthy food to the Westwood and Arlington neighborhoods, where dining options are limited.

The commercial kitchen will provide food to the downtown coffeehouse. Additionally, a partnership has been established with professional chef, Chef Mark Brown (formerly at Delish), to develop on-site culinary training and professional development for up-and-coming chefs.

The attached Agreement will provide $50,000.00 from the West Dayton Development Trust Fund – City Commission Discretionary Fund to assist with property acquisition, interior and exterior building/site improvements: fencing, signage, lighting, machinery, equipment, furniture, fixtures, electrical, plumbing, and HVAC upgrades.

The Third Perk Coffeehouse was also recommended for $82,400.00 in funding through the American Rescue Plan Act (ARPA) framework for complementary business development activities at this location.

If you have any questions, please contact me at extension 4209 or Cynthia Long at extension 3624.

TMK/cl

Attachments

C: Ms. Lofton; Mr. Parlette; Mr. Lipson; Ms. Morris; file

WEST DAYTON DEVELOPMENT TRUST FUND AGREEMENT
JM Enterprise LLC

THIS WEST DAYTON DEVELOPMENT TRUST FUND AGREEMENT ("Agreement") is made and entered into between **JM Enterprise LLC (dba Third Perk Coffeehouse)**, a for-profit corporation organized and existing under the laws of the State of Ohio, currently located at 146 East Third Street, Dayton, Ohio 45402 ("Company"), and the **City of Dayton, Ohio**, a municipal corporation in and of the State of Ohio ("City").

WITNESSETH THAT:

WHEREAS, The purpose of the West Dayton Development Trust Fund ("WDDTF") is to fund projects that primarily benefit and enhance the growth and development of the West Dayton area, which is defined as the West Land Use District; and,

WHEREAS, City desires to stimulate, promote and increase economic, community development, and wellness activities that provide meaningful, long-term benefits and improvements to West Dayton residents; and,

WHEREAS, Company plans to expand their business to a new location and operate a commercial kitchen to support their existing business, Third Perk Coffeehouse, and provide fresh, healthy dining options residents with limited food options; and,

WHEREAS, City finds that the project as defined herein will benefit the community and further the purpose of the WDDTF and wishes to support the Company in carrying out the project under the terms and conditions set forth herein; and,

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein, City and Company agree as follows:

ARTICLE 1. DEFINITIONS.

For the purposes this Agreement, the following words and phrases shall have the following meanings ascribed to them respectively, regardless of whether or not the words and phrases are capitalized:

West Dayton Development Trust Fund Grant. The West Dayton Development Trust Fund Grant ("WDDTF Grant") is a grant provided hereunder by the City of Dayton to assist Company in leveraging private investment and partnership opportunities in the West Land Use District and enhancing the quality of life therein.

Facility. The real property located at 3907 W. Third Street, Dayton Ohio, 45417. The Facility is located within the Westwood neighborhood.

Project. Acquisition of the "Facility" for use as commercial kitchen and southern cuisine carry-out restaurant. The project will also include: interior and exterior building and site improvements; fencing, HVAC and other mechanical upgrades, machinery and equipment; furniture and fixtures; new signage, lighting, and other approved business expenditures.

Project Costs. The costs company incurs and pays in completing the Project, including those which may be prior to the term of this Agreement. Expenses for professional services and other "soft costs" are excluded from this definition.

Eligible Project Costs. Those Project Costs actually incurred and paid for by Company prior to and during the term of this Agreement.

ARTICLE 2. PROJECT TIMELINE.

Company shall commence the Project within one hundred twenty (120) days of Agreement execution and complete the Project on or before December 31, 2023, unless such time for commencement and/or completion is extended upon mutual written agreement between the parties to this Agreement.

ARTICLE 3. FUNDING.

City will provide Company a WDDTF Grant in an amount not to exceed Fifty Thousand Dollars and Zero Cents ($50,000.00) ("Grant Amount") within four (4) weeks of the full execution of this Agreement.

Company hereby acknowledges and agrees to only use the WDDTF Grant for Eligible Project Costs, as defined in Article 1 - Eligible Project Costs. Company shall reach out to the City for clarification prior to spending any funds on the expense in question. Any expenses incurred by Company in an amount which exceeds Grant Amount will be the sole responsibility of Company and the Company will not seek reimbursement of such expenses from the City.

Company understands and agrees that it is responsible for retaining and compiling any and all supporting documentation related to the use of WDDTF Grant funds. Company shall submit a monthly financial report utilizing a cover form substantially similar to that attached hereto and incorporated herein as Exhibit A. This monthly report shall describe the use of the funds, invoices, financial statements, receipts, and any other documents that the City deem relevant and related to the use of the WDDTF Grant.

ARTICLE 4. SPECIFIC CONDITIONS.

A. Company shall comply with all applicable federal, state, and local laws, including applicable rules, regulations, and orders governing receipt and use of municipal and other public funds for the Project. All construction activities and other work required to complete the Project shall be performed and completed in accordance with all applicable federal, state, and local laws, rules, regulations, and orders, including all building, zoning and fire code requirements. Company shall assume full and complete responsibility for any alleged or actual violation of the foregoing, including payment of any penalty imposed and/or repayment of improperly expended funds, if any, and shall defend, indemnify, and hold harmless City and its elected officials, officers, agents, and employees therefrom.

B. Company agrees that the City's Procurement Enhancement Plan ("PEP") participation goals for certified Small Business Enterprises ("SBEs"), Minority Business Enterprises ("MBEs"), Women's Business Enterprises ("WBEs"), and Dayton Local Small Businesses ("DLSBs") apply to the Project. The Company and their Affiliates have the obligation to require individual company compliance with PEP. The PEP participation goals are: Total PEP Participation - 20%; MBE - 15% and WBE - 5%.

C. If it becomes necessary for review, audit, or verification purposes, Company shall allow City to inspect applicable, confidential records.

D. Company agrees to supply additional information upon reasonable request by the City and to cooperate in any audit or review of the funding provided hereunder.

ARTICLE 5. TERM AND TERMINATION.

A. This Agreement may be immediately terminated in the event of or under any of the following circumstances:

1. A receiver for Company's assets is appointed by a court of competent jurisdiction.
2. Company is divested of its rights, powers, and privileges under this Agreement by operation of law.
3. Company's failure to comply with any term, covenant or condition of this Agreement to be kept, performed and observed by it, and the failure of Company to remedy such failure within thirty (30) days from the date of written notice from City.
4. Company's violation of any applicable federal, state, or local law applicable to the Project and construction thereof.
5. If, prior to the receipt of any funding from City hereunder and upon giving thirty (30) days prior written notice, Company desires to terminate this Agreement.

In the event of termination prior to Project completion and if City provided any funds to Company hereunder, Company shall repay to City within forty-five (45) business days from the effective date of termination all funds provided hereunder and, upon such repayment, Company shall be released from its obligations hereunder. This obligation to remit repayment of funding shall survive termination of this Agreement until such funds are actually received by City. If no funds were provided, the parties shall be immediately relieved of their obligations hereunder.

ARTICLE 6. INDEMNIFICATION.

Company shall defend, indemnify, and hold harmless City and its elected officials, officers, employees, and agents from and against all claims, losses, damages, and expenses (including reasonable attorneys' fees) of whatsoever kind and nature, to the extent that such claims, losses, damages, or expenses are caused by or arise out of the performance or non-performance of this Agreement and/or the acts, omissions or conduct of Company, and its agents, employees, contractors, sub-contractors, and representatives in undertaking and completing the Project, and/or Company's failure to comply with federal, state, and local laws, including (as applicable).

ARTICLE 7. EQUAL EMPLOYMENT OPPORTUNITY AND NON-DISCRIMINATION.

Company shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, ancestry, national origin, place of birth, age, marital status, or handicap with respect to employment, upgrading, demotion, transfer, recruitment or recruitment advertising, lay-off, termination, rates of pay or other forms of compensation, or selection for training, including apprenticeship.

It is expressly agreed and understood that Section 35.14 of the Revised Code of General Ordinances of the City of Dayton constitutes a material condition of this Agreement as fully and as if specifically rewritten herein and that failure to comply therewith shall constitute a breach thereof entitling City to terminate this Agreement at its option.

ARTICLE 8. POLITICAL CONTRIBUTIONS.

Company affirms and certifies that it complies with Ohio Revised Code § 3517.13 limiting political contributions.

ARTICLE 9. RECORDS AND RETENTION.

Company shall use Generally Accepted Accounting Principles ("GAAP") or the Income Tax Accounting Method in recording and documenting all costs and expenditures related in whole or part to the Project. All costs and expenditures for the Project for which Company will be reimbursed hereunder shall be supported by properly executed payrolls, time records, invoices, contracts, vouchers or other accounting documents and other evidence (collectively, "Records"). All Records shall be clearly identified and readily accessible. At any time during normal business hours and as often as City may reasonably request, Company shall make available to City, the Auditor of the State of Ohio, the federal government and any of its departments and agencies, and any of their designees, all of its Records related to this Agreement and the Project. Company shall permit City, the Auditor of the State of Ohio, the federal government and any of its departments and agencies and any of their designees to audit, examine, and make excerpts or transcripts from such Records and to have audits made of all contracts, invoices, materials, payrolls, personnel records, conditions of employment and other data pertaining in whole or in part to matters covered by this Agreement.

All Records, including any and all supporting documentation for invoices submitted to City, shall be retained by Company and made available for review by City, the Auditor of the State of Ohio, the federal government and any of its departments and agencies, and any of their designees for a minimum of three (3) years after the termination or expiration of this Agreement. Notwithstanding the foregoing, if there is litigation, claims, audits, negotiations, or other actions that involve any of the Records pertaining to this Agreement, which commences prior to the expiration of the three-year period, Company shall retain such Records until completion of the actions and resolution of all issues or the expiration of the three-year period, whichever occurs later.

ARTICLE 10. TAX REPRESENTATION.

Company certifies that, as of the date of execution, it does not owe any delinquent taxes to the City of Dayton and/or does not owe delinquent taxes for which Company is liable under Chapter 5733, 5735, 5739, 5741, 5743, 5747, or 5753 of the Ohio Revised Code or, if such delinquent taxes are owed, Company currently is paying such delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, or Company filed a petition in bankruptcy under 11 U.S.C. Section 101. et seq., or such a petition has been filed against Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

ARTICLE 11. GENERAL PROVISIONS.

A. Conflict of Interest. Company represents that to the best of its knowledge it has no interest that would undermine the impartiality of either party because of the conflict between the party's self-interest and this agreement or public interest in any manner or degree. Company further covenants that it will not acquire any such interest, directly or indirectly during the term of this Agreement.

B. Entire Understanding. This Agreement represents the entire and integrated agreement between the parties. This Agreement supersedes all prior and contemporaneous communications, representations, understandings, agreements or contracts, whether oral or written, relating to the subject matter of this Agreement.

C. Governing Law and Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio, without giving effect to the principles thereof relating to

conflicts or choice of laws. Any arbitration, litigation or other legal matter regarding this Agreement or performance by either party must be brought in a court of competent jurisdiction in Montgomery County, Ohio.

D. Amendment. The parties may amend this Agreement, provided that no such amendment shall be effective unless it is reduced to a writing, which makes specific reference to this Agreement, is executed by a duly authorized representative of each party to this Agreement and, if required or applicable, is approved by the Commission of the City of Dayton, Ohio.

E. Waiver. A waiver by City of any breach of this Agreement shall be in writing. Any such waiver shall be effective only in the specific instance and for the specific purpose for which it is given and shall not affect City's rights with respect to any other or further breach.

F. Relationship. This Agreement is not intended to be, nor shall it be construed, as creating a partnership, joint venture, corporation, or other relationship between the parties with respect to the Project or any activities to be completed by Company.

G. Communications. Any notice, demand, or other communication required under the Agreement by one party to the other party shall be sufficiently given, if it is sent by certified U.S. mail, postage prepaid, return receipt requested or delivered personally, and addressed as follows:

For City:	Veronica Morris Department of Planning, Neighborhoods, & Development City of Dayton P.O. Box 22, 101 W. Third Street Dayton, OH 45401
For Company:	Juanita M. Darden, Owner JM Enterprise LLC 146 East Third Street Dayton, OH 45402

H. Severability. The invalidity, illegality, or unenforceability of any provision of this Agreement or the occurrence of any event rendering any provision of this Agreement void shall in no way affect the validity or enforceability of any other provision of this Agreement. Any void, unenforceable, invalid, or illegal provision shall be deemed severed from this Agreement and the balance of this Agreement shall be construed and enforced as if this Agreement did not contain the particular provision.

IN WITNESS WHEREOF, City and Company, each by a duly authorized representative, have executed this Agreement as of the date set forth below.

[Remainder of this page intentionally left blank]

JM ENTERPRISE LLC (dba Third Perk Coffeehouse)

By: _____

Print name: Juanita Michelle Dorden

Its: Owner

CITY OF DAYTON, OHIO

_____

City Manager

_____

Date

APPROVED AS TO FORM
AND CORRECTNESS:

E-SIGNED by Suzanne Beck for City Attorney
on 2022-03-21 14:50:34 GMT

_____

CITY ATTORNEY

APPROVED BY THE COMMISSION
OF THE CITY OF DAYTON, OHIO:

_____, 2022

Min. / Bk. _____ Pg. _____

_____

Clerk of the Commission

EXHIBIT A

Date: _____ Vendor/Organization: _____ CT: _____

Amount Advanced: _____ Amount of Submitted Documents: _____

The above-named vendor/organization hereby submits the attached documentation to verify the use of Grant funding advanced for their project. We have reviewed our agreement with the City of Dayton and believe our report meets the eligibility requirements as detailed below.

_____ The expenses for which funds were sought, were actually incurred as established by the attached documentation. (In the case of improvements to real property, this would most likely be invoices and proof of payment (i.e. copy of cancelled check) for construction and/or equipment/materials.

_____ The expenses were incurred and/or services were performed during the eligible time frame set forth in the agreement.

_____ The expenses were incurred for eligible activities as set forth in the agreement.

_____ Activity reports have been duly submitted to the Department of Planning, Neighborhoods & Development – Division of Development as required.

_____ The project is "completed" if required. Evidence of completion of the project (photos, Certificate of Use and Occupancy, etc.) is attached hereto.

_____ Organization has met all job creation and retention requirements if applicable or is on track to meet such requirements. (Detail job creation and retention requirements and status thereof below if appropriate.)

ADDITIONAL INFORMATION:

_____

_____

_____

[Over]

For more information, please feel free to contact me unless another person is identified below.

Submitted by:

Signature: _____

Title: _____

Phone: _____

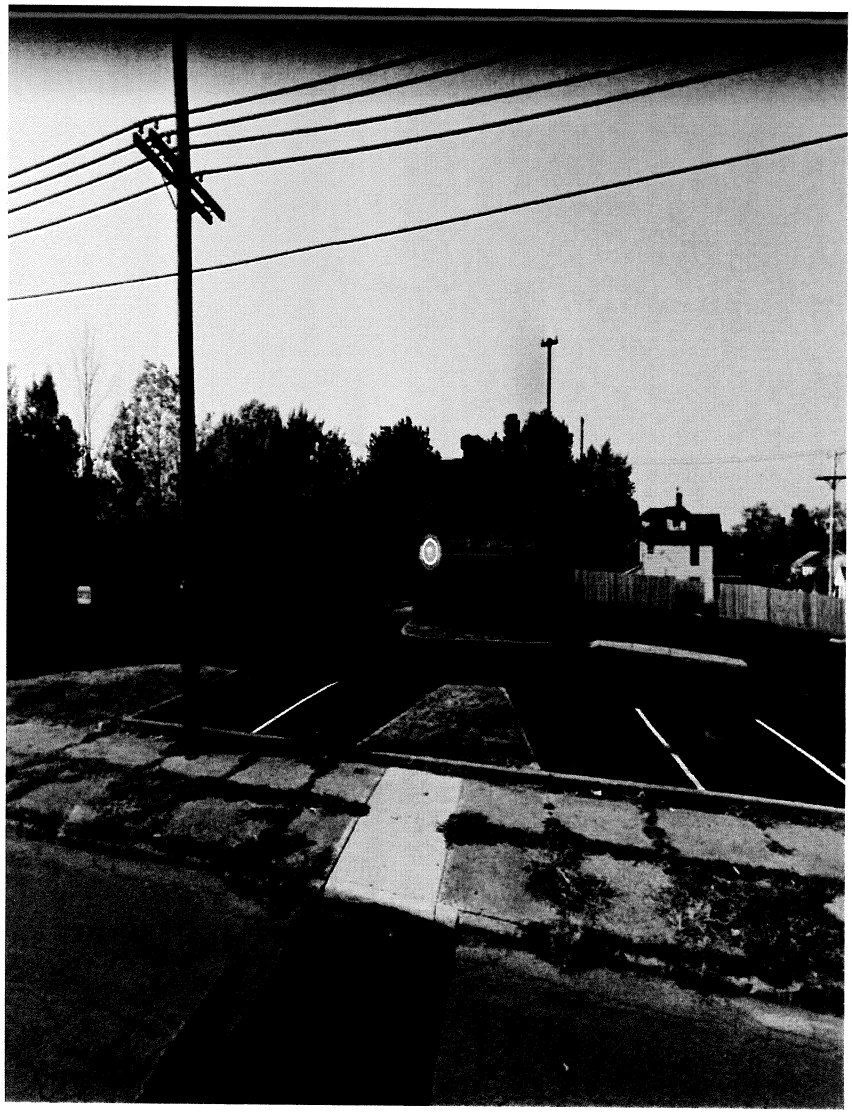
Email: _____

Alternative contact for further information if applicable:

_____	_____
Name	Title
_____	_____
Email	Phone

Aerial and Street Map

JM Enterprise LLC (dba Third Perk Coffeehouse) – 3907 W. Third St.



BACK

3.

City Manager's Report

From 6550 - RYS/Golf

Date May 4, 2022

Expense Type Payment of Voucher

Total Amount $56,945.75

Supplier, Vendor, Company, Individual

Name Comptech Computer Technologies Inc.

Address 7777 Washington Village Drive
Suite 270
Dayton, Ohio 45459

Fund Source(s)	Fund Code(s)	Fund Amount(s)
General Fund	10000-6550-1159-56	$ 51,317.99
Community Golf & Recreation Fund	13000-6550-1159-56	$ 5,627.76

Includes Revenue to the City ☐ Yes ☑ No **Affirmative Action Program** ☑ Yes ☐ No ☐ N/A

Description

Payment of Voucher - Comptech Computer Technologies Inc.

The Department of Recreation (REC) requests approval to pay outstanding 2021 invoices with Comptech Computer Technologies Inc. in the amount of $56,945.75. These invoices are for temporary staffing services used to complete field and course maintenance rendered at our Kettering Field Complex and Community Golf Club.

This payment of voucher is due to an administrative oversight, as a result of several of our administrative and management staff contracting the COVID-19 virus during the same time period in 2021; which resulted in prematurely closing the established 2021 purchase order with Comptech Computer Technologies Inc.

The Department of Recreation has revised processes and trained additional staff to prevent this type of error from occurring in the future.

A Certificate of Funds in the amount of $56,945.75 is attached.

Signatures/Approval

Division

Robin L. Williams Digitally signed by Robin L. Williams Date: 2022.04.21 15:57:22 -04'00'

Department

City Manager

Approved by City Commission

Clerk

Date

FORM NO. MS-16

Updated 8/2016

DocuSign Envelope ID: 1CE5BB53-31C6-4BF3-8AD8-9EA4834790F5

CERTIFICATE OF FUNDS

CF22-0141

SECTION I - to be completed by User Department

NO DRAFT DOCUMENTS PERMITTED

____ New Contract ____ Renewal Contract ____ Change Order

Contract Start Date	
Expiration Date	
Original Commission Approval	$ -
Initial Encumbrance	$ 56,945.75
Remaining Commission Approval	
Original CT/CF	
Increase Encumbrance	$ -
Decrease Encumbrance	$ -
Remaining Commission Approval	$ -

Required Documentation

x	Initial City Manager's Report
x	Initial Certificate of Funds
	Initial Agreement/Contract
	Copy of City Manager's Report
	Copy of Original Certificate of Funds

Amount: $ 51,317.99	Amount: $ 5,627.76
Fund Code 10000 - 6550 - 1159 - 56 - XXXX - XXXX (Fund - Org - Acct - Prog - Act - Loc)	Fund Code 13000 - 6550 - 1159 - 56 - XXXX - XXXX (Fund - Org - Acct - Prog - Act - Loc)
Amount:	Amount:
Fund Code XXXXX - XXXX - XXXX - XX - XXXX - XXXX (Fund - Org - Acct - Prog - Act - Loc)	Fund Code XXXXX - XXXX - XXXX - XX - XXXX - XXXX (Fund - Org - Acct - Prog - Act - Loc)

Attach additional pages for more FOAPALs

Vendor Name: Comptech Computer Technologies Inc.

Vendor Address: 7777 Washington Village Drive, Suite 270 Dayton, Ohio 45459
(Street City State Zipcode + 4)

Federal ID: 200157409

Commodity Code: 96400

Purpose: 2021 Temporary Employment Services; Kettering Fields Complex and Community Golf Club maintenance workers.

Contact Person: Tay Rakestraw Recreation/Sports (Department/Division) 4/8/2022 (Date)

Originating Department Director's Signature: DocuSigned by: ROBIN LEIGH WILLIAMS 4/8/2022
99E45C38105E476...

SECTION II - to be completed by the Finance Department

I hereby certify that the amount of money required to meet the payment(s) called for in the aforesaid request have been lawfully appropriated for such purpose and is in the Treasury, or in the process of collection, to the credit of the fund from which it is to be drawn free and clear from any previous encumbrance.

Finance Director Signature 4/25/22 (Date)

CF Prepared by 4/22/22 (Date) CF22-0141 (CF/CT Number)

SA 04/22/2022

BACK

4.

City Manager's Report

From **2340 - Planning, Neighborhoods & Dev / Planning**

Date **May 4, 2022**

Expense Type **Other, (See Description Below)**

Supplier, Vendor, Company, Individual

Total Amount $65,102.42

Name **Miami Valley Regional Planning Commission (MVRPC)**

Address **10 N. Ludlow Street, Suite 700 Dayton, OH 45402**

Fund Source(s)	Fund Code(s)	Fund Amount(s)
General Fund	10000-2340-1231-53	$65,102.42

Includes Revenue to the City ☐ Yes ☑ No **Affirmative Action Program** ☐ Yes ☐ No ☑ N/A

Description

2022 Annual Membership Dues

The Department of Planning, Neighborhoods & Development is requesting approval to pay the invoice for the City of Dayton's 2022 Miami Valley Regional Planning Commission (MVRPC) membership dues. Dues are based on U.S. Bureau of Census population figures and are computed at forty-six cents ($0.46) per capita, as specified in the Agency's funding assessment provisions. For the City of Dayton, this is 141,527 (our 2010 Census population count) multiplied by $0.46 for a total of $65,102.42.

The MVRPC membership allows the City of Dayton to participate in and vote on important regional planning and transportation issues. Additionally, this membership provides the City of Dayton access to the Ohio Department of Transportation's funding process.

The funding source is the General Fund for the Division of Planning.

A Certificate of Funds and invoice are attached.

Signatures/Approval

E-SIGNED by Tony Kroeger on 2022-04-27 13:53:15 GMT

Division

E-SIGNED by Todd Kinskey on 2022-04-27 13:55:37 GMT

Department

C. LaShea Gibson

City Manager

Approved by City Commission

Clerk

Date

FORM NO. MS-16

Updated 8/2016

CERTIFICATE OF FUNDS

CF22-0142

SECTION I - to be completed by User Department

NO DRAFT DOCUMENTS PERMITTED

x New Contract ____ Renewal Contract ____ Change Order

Contract Start Date	upon execution
Expiration Date	12/31/2022
Original Commission Approval	$ 65,102.42
Initial Encumbrance	$ 65,102.42
Remaining Commission Approval	$ -
Original CT/CF	
Increase Encumbrance	$ -
Decrease Encumbrance	$ -
Remaining Commission Approval	

Required Documentation

x	Initial City Manager's Report
x	Initial Certificate of Funds
x	Initial Agreement/Contract
	Copy of City Manager's Report
	Copy of Original Certificate of Funds

Amount: $ 65,102.42	Amount:
Fund Code 10000 - 2340 - 1231 - 53 - XXXX - XXXX (Fund - Org - Acct - Prog - Act - Loc)	Fund Code XXXX - XXXX - XXXX - XX - XXXX - XXXX (Fund - Org - Acct - Prog - Act - Loc)
Amount:	Amount:
Fund Code XXXX - XXXX - XXXX - XX - XXXX - XXXX (Fund - Org - Acct - Prog - Act - Loc)	Fund Code XXXX - XXXX - XXXX - XX - XXXX - XXXX (Fund - Org - Acct - Prog - Act - Loc)

Attach additional pages for more FOAPALs

Vendor Name: Miami Valley Regional Planning Commission

Vendor Address: 10 N. Ludlow Street, Suite 700 (Street) Dayton (City) Ohio (State) 45402 (Zipcode + 4)

Federal ID: 54-2188250

Commodity Code: 91896

Purpose: 2022 Miami Valley Regional Planning Commission (MVRPC) Annual Membership dues.

Contact Person: Jill Bramini

Planning, Neighborhoods & Development / Planning (Department/Division)

4/22/2022 (Date)

Originating Department Director's Signature: E-SIGNED by Todd Kinskey on 2022-04-22 13:06:05 GMT

SECTION II - to be completed by the Finance Department

I hereby certify that the amount of money required to meet the payment(s) called for in the aforesaid request have been lawfully appropriated for such purpose and is in the Treasury, or in the process of collection, to the credit of the fund from which it is to be drawn free and clear from any previous encumbrance.

Finance Director Signature — 4/06/22 (Date)

CF Prepared by — 4/25/22 (Date) — CF22-0142 (CF/CT Number)

SA 04/25/2022

VB

MEMORANDUM | DAYTON

April 22, 2022

TO: Shelley Dickstein, City Manager
City Manager's Office

E-SIGNED by Todd Kinskey
on 2022-04-22 13:05:39 GMT

FROM: Todd M. Kinskey, Director
Department of Planning, Neighborhoods & Development

SUBJECT: 2022 MVRPC Annual Membership Fees

The Department of Planning, Neighborhoods & Development requests approval of the required 2022 annual membership fee to the Miami Valley Regional Planning Commission ("MVRPC") in the amount of $65,102.42.

This annual amount is based on the U.S. Bureau of Census population figures from the 2010 U.S. Census, as specified in MVRPC's funding assessment provisions.

The payment of this annual membership provides the City of Dayton numerous benefits. It allows access to essential transportation funding through federal and state sources. Additionally, it provides access to a variety of regional planning initiatives, including technical assistance and analysis, regional advocacy, infrastructure and environmental planning services, and land use policy guidance.

If you have any questions, please contact me at extension 4209 or Tony Kroeger at extension 3673.

TMK/tdk

Attachments

C: Ms. Lofton; Mr. Parlette; Mr. Kroeger; Ms. Browning; file

MIAMI VALLEY
Regional Planning Commission
10 N. Ludlow St., Suite 700
Dayton, OH 45402
Phone (937) 223-6323 Fax (937) 223-9750
FEDERAL ID NO. 54-2188250

To: City Of Dayton
101 W Third Street
Dayton, OH 45401-0022

INVOICE	
INVOICE #	**DATE**
1214	**4/30/2022**

Date Ordered	Customer Order No.	Ordered/Authorized By:	Terms
			Due May 30, 2022

Description	Quantity	Unit Price	Amount
MVRPC Membership Investment CY2022	141,527	0.46	65,102.42

Quantity represents the population figures from 2010 U.S Census

Invoice Total **65,102.42**

For internal use only

GL #	Project #	Cust	CR
4610		DAYT CI	65,102.42

THANK YOU

Please make check payable to: Miami Valley Regional Planning Commission
10 N. Ludlow Street, Suite 700
Dayton, OH 45402-1855

BACK

1st Reading

5.

EMERGENCY MEASURE
1 Reading, 2 Separate Meetings ✓
2 Readings at One Meeting

BY Ms. Turner Sloss NO. 6642-22

DRAFT

A RESOLUTION

Authorizing the Acceptance of a Grant Award for a Fair Housing Assistance Program from the United States Department of Housing and Urban Development on Behalf of the Human Relations Council of the City of Dayton in an Amount Not to Exceed Sixty-Six Thousand Eight Hundred Dollars and Zero Cents ($66,800.00), and Declaring an Emergency.

WHEREAS, The United States Department of Housing and Urban Development ("HUD") is offering Fair Housing Assistance Program grants; and

WHEREAS, HUD determined that the Human Relations Council of the City of Dayton ("Human Relations Council") is a substantially equivalent jurisdiction for purposes of processing complaints of housing discrimination within the City of Dayton; and

WHEREAS, By previous agreements with HUD, the Human Relations Council received grant funding for processing housing discrimination complaints; and

WHEREAS, HUD has offered the Human Relations Council a Fair Housing Assistance Program grant award in the amount of Sixty-Six Thousand Eight Hundred Dollars and Zero Cents ($66,800.00) to continue processing complaints of housing discrimination; and

WHEREAS, The Commission finds it in the best interest of the City of Dayton to receive this award of grant funding; and

WHEREAS, In order that complaints of housing discrimination may be timely resolved and for the immediate preservation of the public peace, property, health and safety, it is necessary that this resolution take effect at the earliest possible date; now, therefore,

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. That the Executive Director of the Human Relations Council is authorized and directed to execute a Grant Agreement and any other documents necessary to accept a Fair Housing Assistance Program grant award from HUD, in the maximum amount of **SIXTY-SIX THOUSAND EIGHT HUNDRED DOLLARS AND ZERO CENTS ($66,800.00)**, in support of the continued efforts by the Human Relations Council to process housing discrimination complaints.

Section 2. That for the reasons stated in the preamble hereof, the Commission declares this resolution to be an emergency measure which shall take effect immediately upon its adoption.

Adopted by the Commission ....., 2022

Signed by the Mayor....., 2022

_____
MAYOR OF THE CITY OF DAYTON, OHIO

Attest:

_____
Clerk of Commission

Approved as to form:

_____
City Attorney

MEMORANDUM | DAYTON

April 29, 2022

TO: Shelley Dickstein, City Manager
City Manager's Office

FROM: Joann Mawasha, Deputy Director,
Human Relations Council

SUBJECT: FHAP Cooperative Agreement

Please find attached a resolution, approved as to form by the Law Department, authorizing the acceptance of $66,800.00 to our fair housing grant from the U.S. Department of Housing and Urban Development (HUD). Also, attached is a copy of the HUD approved voucher

The Human Relations Council has substantial equivalency with HUD; as such, these funds are received based on complaints processed the previous year and required training. We request this item be placed on the City Manager's calendar for May 4, 2022.

Typically, the HRC receives funds from HUD for cases closed on a yearly basis. As such, the allocations are disbursed late in the year, and we utilize the funding for expenses associated with programing, public hearings, office supplies, etc., which allows us to continue our operations. Emergency legislation to accept these funds would ensure that there is no disruption in the provision of services to the community such as filing complaints of alleged discrimination as well as other aspects of HRC programing.

If you have any questions, please call me at x1402. Thank you.

BACK

2nd Reading

BY: Mr. Joseph

EMERGENCY MEASURE
1 Reading, 2 Separate Meetings
2 Readings at One Meeting

NO: 31977-22

DRAFT

AN ORDINANCE

Amending Section 34.50 of the Revised Code of General Ordinances to Stay Community Appeals Board Hearings During Ongoing Litigation, and Declaring an Emergency.

WHEREAS, On June 18, 2020, Dayton City Commission announced a police reform working structure to drive positive changes for the police department in Dayton; and

WHEREAS, Five reform groups were formed, comprised of community members and Dayton police representatives along with city staff to develop these changes; and

WHEREAS, On December 22, 2021, the Commission passed City of Dayton Ordinance 31954-21 amending Sections 34.40- 34.53 of the Revised Code of General Ordinances that created the Community Appeals Board; and

WHEREAS, The efficacy of the Community Appeals Board requires a stay of Community Appeals Board hearings while court or administrative proceedings are pending; and

WHEREAS, For the immediate preservation of the public peace, property, health, and safety, it is necessary that this Ordinance take effect immediately; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. That Section 34.50 of the R.C.G.O. be, and hereby is, amended to read as follows:

Sec. 34.50. - Review appeal process.

(A) Appeals shall be made in writing on forms provided by the Community Appeals Board. The forms will be available at, but not limited to, the Human Relations Council, the Professional Standards Bureau, the Safety Building, the City of Dayton website, and the City Manager's office. The Human Relations Council shall provide appeal forms and intake training to community organizations. An appeal form will also be mailed with the letter which informs the complainants of the findings of the investigation of the original complaint. The Complainant shall submit the form within 30 days of the date on the Dayton Police Department's letter of findings, although reasonable exceptions may be granted by the Board.

(B) The appeals forms will be reviewed for sufficiency and completeness. Complainants filing insufficient appeals will be notified by the Board's chair within ten days after

the next regular meeting of the Board. The complainant shall be permitted to amend the appeal form within ten days after being notified that the appeal in insufficient.

(C) Hearings shall be scheduled during the Board's regular monthly meetings, or at another time agreed upon by the Board or as directed by the Commission. The complainant will be notified within 10 days of the Board's meeting time when the appeal is scheduled and may elect to furnish testimony to the Board. Prior to furnishing testimony to the Board, the complainant will be offered the opportunity to work with a staff person at the Dayton Mediation Center to prepare for the hearing. The staff person shall not represent the complainant before the Board or advocate for the complainant. Testimony shall be given under oath. Board hearings shall be tape-recorded or video-recorded and tapes shall be maintained at the Human Relations Council.

(D) The employees of the Department of Police against whom the complaint is made will be invited to give voluntary testimony to the Board during the appeal hearing. If the Dayton Police Department employee decides to not provide voluntary testimony, which is within his or her rights and permitted by law, that employee's report of the alleged incident may be read into the record upon the Board's request. A representative from the Professional Standards Bureau shall be made available upon request for questions related to investigations and policies. The Board is hereby empowered to, and may at its sole discretion, issue subpoenas for non-Dayton Police Department witnesses to the incident.

(E) After an appeal is filed, the Dayton Police Department and Professional Standards Bureau shall turn over a copy of the investigative file to the Board, the Human Relations Council, and the Legal Advisor. Such documents to be shared include, but are not limited to: the complaint, reports from the investigation, interview notes and recordings, pictures, videos, cruiser footage, body-worn cameras, the policies applicable to the situation, the letter of findings, and any other evidence used to make a determination. The complainant may request a copy of the investigative file by notifying the Human Relations Council of such request.

(F) In making its determinations, the Board may or may not concur with the findings of the Dayton Police Department. If the Board does not concur, it may do so with a finding that the complaint should have been sustained, not sustained, exonerated, or unfounded.

(G) A complaint is sustained when the investigation discloses evidence indicating the accused employee has committed all or part of the alleged act(s), and that the alleged acts were not justified, lawful, or proper. A complaint is not sustained when the investigation discloses insufficient evidence to clearly prove or disprove the allegations made. A complaint is exonerated when the investigation indicates that the act described in the complaint did occur, however, the investigation revealed the act was lawful and in accordance with established department policy and procedure. A complaint is unfounded when the investigation establishes that the alleged act did not occur; or the accused officer did not commit the act; or there is no credible evidence to support the complaint.

(H) No action of the Board may affect discipline given as a result of the Dayton Police Department findings in the original complaint. However, while reviewing any appeal before the formal hearing, the Board may make recommendations and request

additional information or investigation by the Dayton Police Department and Independent Accountability Auditor.

(I) When a Community Appeals Board complaint relates to a criminal, civil, or administrative proceeding where the City of Dayton or its officers, employees, or agents are a party, the Community Appeals Board shall immediately stay this appeal process while any suit or proceeding is pending. The prosecution of a criminal case by the City of Dayton does not invoke a stay of this appeal process.

Section 2. The existing Section 34.50 of the Revised Code of General Ordinances of the City of Dayton is hereby repealed.

Section 3. For reasons outlined in the preamble hereof, the Commission declares this Ordinance to be an emergency measure which shall take effect immediately upon its passage.

PASSED BY THE COMMISSION....., 2022

SIGNED BY THE MAYOR....., 2022

_____
Mayor of the City of Dayton, Ohio

Attest:

_____
Clerk of the Commission

Approved as to form:

_____
City Attorney

BACK

7.

By: Mr. Fairchild No: 995-22

DRAFT

An Informal Resolution

Condemning The Invasion of the War in Ukraine
and Supporting Ongoing Refugee and Peace Efforts
for the Ukrainian People.

WHEREAS, On February 24, 2022, Russian military forces led by Russian President Vladimir Putin conducted an unprovoked invasion of Ukraine, resulting as of April 20th in 5,121 civilian casualties, including 453 children; and

WHEREAS, The people of Ukraine have been caught in the middle of this invasion, with more than 5 million refugees having fled the country and a further 7.1 million people displaced internally as of April 19th, creating the fastest growing refugee crisis since World War II and with more than a quarter of the population of Ukraine displaced in total; and

WHEREAS, 13 million people are estimated to be stranded in affected areas or unable to leave due to security risks and destruction of infrastructure, many of whom currently lack basic needs including food, water, and medicines, and more than 50% of displaced households include children; and

WHEREAS, The invasion of Ukraine and attacks against its people have been broadly condemned by the United Nations, the President of the United States, Joseph R. Biden Jr., and numerous intergovernmental organizations and countries around the world; and

WHEREAS, The City of Dayton condemns the unprovoked invasion of Ukraine and urges the United States government and our allies to use every diplomatic tool to bring an end to this conflict and bring peace to the people of Ukraine; and

WHEREAS, The City of Dayton stands with the Ukrainian people in the Dayton region, their friends and loved ones, and the Ukrainian people currently in or displaced from Ukraine, and we encourage our community to stand in solidarity with us.

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. That this Commission condemns the invasion of Ukraine by the Russian government, and urges the United States government to utilize every diplomatic tool to bring an end to the conflict and peace to the people of Ukraine

Section 2. That this Commission pledges to support ongoing refugee resettlement efforts for the Ukrainian people through Welcome Dayton and our community partners, and to promote ongoing peace efforts with our federal delegation and throughout the world.

ADOPTED BY THE COMMISSION....., 2022

SIGNED BY THE MAYOR....., 2022

_____
Mayor of the City of Dayton, Ohio

ATTEST:

_____
Clerk of Commission

APPROVED AS TO FORM:

City Attorney

BACK

Tuesday, April 19, 2022
Business Meeting

Dayton Board of Education's
Business Meeting
Board Room - 136 S. Ludlow St., Dayton, OH 45402

1. Meeting Opening (5:00 p.m.)

Subject	**A. Call to Order - Will Smith, President**
Meeting	Apr 19, 2022 - Business Meeting
Category	1. Meeting Opening (5:00 p.m.)
Type	Information, Minutes, Procedural

Subject	**B. Roll Call**
Meeting	Apr 19, 2022 - Business Meeting
Category	1. Meeting Opening (5:00 p.m.)
Type	Procedural

Subject	**C. Pledge of Allegiance**
Meeting	Apr 19, 2022 - Business Meeting
Category	1. Meeting Opening (5:00 p.m.)
Type	Procedural

I pledge allegiance, to the flag, of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

2. Special Recognition

Subject	**A. Math-O-Lympics Winners**
Meeting	Apr 19, 2022 - Business Meeting

Category	2. Special Recognition
Type	Information, Recognition

4 - 6 DIVISION

1st Place - River's Edge Montessori School

4th Grade Team
Ty Bobo
Raiford Eddy
Landen Huggins

5th Grade Team
Caasi Buckley
Zeynali Mukhitdinov
Loagan-James Palmer

6th Grade Team
Brennan Bailey
Viola Rhynard

2nd Place - Valerie Elementary School

4th Grade Team
Amirah Cantrell
Amari Herrington
Jordan Jackson

5th Grade Team
Jasmine Johnson
Antwane Spann
Mireya Wilson

6th Grade Team
Anthony Anderson
Michael Freeman
Kayla Salter

3rd Place - Horace Mann Elementary School

4th Grade Team
Emir Abbasov
Kamilla Barnett
Zander Troidl

5th Grade Team
Racer Gilbert
Elise Jeffries
Bryce Sloss

6th Grade Team
Chaya Castle

Danaerys Kimball
Cynthia Lombeh

4th Place - Kemp Elementary School

4th Grade Team
Zylynn Fisher
Noella Irishura
Bentley Webb

5th Grade Team
Brian Davis
Brayden Jackson
Aline Perusi

6th Grade Team
Victoria Rodas Guevara
Marcus Kincaid
Tariah McLarty

5th Place - Cleveland Elementary School

4th Grade Team
Bishuma Bhujel
Max Maxwell

5th Grade Team
Hunter Allison
Mone't Hicks

6th Grade Team
Elizabeth Kuivala
Marcus Turner

6th Place - Belle Haven Elementary School

4th Grade Team
Reponce Bonane
Andrae Ellington

5th Grade Team
Jasman Bailey
Elijah Coleman
Dayona Johnson
Robert Johnson

6th Grade Team
Khlyee Glass
Jasmine Shipman

7 - 8 DIVISION

1st Place - Wright Brothers Middle School

7th Grade Team
Katy Caixba-Reyes
Jason Jones
Jhoan Mosquera-Salazar
Thomard Samuels
Anna Wheatley

8th Grade Team
Vina Osborn

2nd Place - Edwin Joel Brown Middle School

7th Grade Team
Kimmie Baker
Natalie Lainez Castro
Dorian Hill
Daeshaun Wells

8th Grade Team
Terry Bradfield
Kaseen Cochran
Gavin Davies
Alexis Edwards
Javeon Printup
Ronaldo Rodas
Ka'Leala Shrivers
Neveah Woods

Subject	**B. Dawn Abbott - Ohio School Nurse of the Year**
Meeting	Apr 19, 2022 - Business Meeting
Category	2. Special Recognition
Type	Presentation, Recognition

Dawn Abbott - Ohio School Nurse of the Year

3. Executive Session

Subject	**A. Executive Session - Public Employee/Personnel (Entering)**
Meeting	Apr 19, 2022 - Business Meeting
Category	3. Executive Session
Type	Action, Information, Minutes

Executive Session - Personnel (entering)

Motion & Voting

Pursuant to Section 121.22 (G) <2> of the Ohio Revised Code, I move that this board go into Executive Session. This meeting is being held to consider the employment of public employees, including compensation or other terms and conditions of their employment and to consider the employment or dismissal of employees.
Is there a second? May we have a roll call please?

Motion by Will Smith, second by Chrisondra Goodwine.
Final Resolution: Motion Carried
Yes: Jocelyn Spencer Rhynard, Karen Wick-Gagnet, Dion Sampson, Will Smith, Gabriela Pickett, Chrisondra Goodwine, Joseph Lacey

Subject	**B. Executive Session - Public Employee/Personnel (Exiting)**
Meeting	Apr 19, 2022 - Business Meeting
Category	3. Executive Session
Type	Action, Information, Minutes

Executive Session - Public Employee/Personnel (Exiting)

Motion & Voting

Let the record show that the Board of Education of the Dayton City School District has just completed an Executive Session during which it considered the employment of public employees, including compensation or other terms and conditions of their employment and to consider the employment or dismissal of employees.

Motion by Will Smith, second by Gabriela Pickett.
Final Resolution: Motion Carried
Yes: Jocelyn Spencer Rhynard, Karen Wick-Gagnet, Dion Sampson, Will Smith, Gabriela Pickett, Chrisondra Goodwine, Joseph Lacey

4. Special Presentation

Subject	**A. Presentation - Equity for DPS English Learners**
Meeting	Apr 19, 2022 - Business Meeting
Category	4. Special Presentation
Type	Information

Presentation - Equity for DPS English Learners

5. Hearings

Subject	**A. Hearing of the Public**
Meeting	Apr 19, 2022 - Business Meeting
Category	5. Hearings
Type	

Public Speaking Request Form

Subject	**B. Hearing of the Bargaining Units**
Meeting	Apr 19, 2022 - Business Meeting
Category	5. Hearings

Type

6. 48-hour Rule Waiver

Subject	**A. 48-hour Rule Waiver**
Meeting	Apr 19, 2022 - Business Meeting
Category	6. 48-hour Rule Waiver
Type	Action, Information, Minutes
Recommended Action	I request a 4-hour Waiver to present the following item: Human Resources.

48-hour Rule Waiver - Human Resources 4-19-22

Motion & Voting

I request a 4-hour Waiver to present the following item: Human Resources.

Motion by Will Smith, second by Joseph Lacey.
Final Resolution: Motion Carried
Yes: Jocelyn Spencer Rhynard, Karen Wick-Gagnet, Dion Sampson, Will Smith, Gabriela Pickett, Chrisondra Goodwine, Joseph Lacey

7. Consent Agenda

Subject	**A. Consent Agenda**
Meeting	Apr 19, 2022 - Business Meeting
Category	7. Consent Agenda
Type	Action, Information, Minutes
Recommended Action	I recommend approval of the Consent Agenda.

Contracts

Human Resources 4-19-22 REVISED

NOTE: Votes for Human Resources Lines 5 and 22 are only applicable if Item 6A has been passed by the Board.

Motion & Voting

I recommend approval of the Consent Agenda.

Motion by Dion Sampson, second by Karen Wick-Gagnet.
Final Resolution: Motion Carried
Yes: Jocelyn Spencer Rhynard, Karen Wick-Gagnet, Dion Sampson, Will Smith, Gabriela Pickett, Chrisondra Goodwine, Joseph Lacey

8. Superintendent's Recommendations

Subject	**A. Human Resources - DEA After July 10**
Meeting	Apr 19, 2022 - Business Meeting

Category	8. Superintendent's Recommendations
Type	Action, Information, Minutes

Human Resources - DEA After July 10 4-19-22

Motion & Voting

I recommend approval of the following: Human Resources - DEA After July 10

Motion by Joseph Lacey, second by Dion Sampson.
Final Resolution: Motion Failed
No: Jocelyn Spencer Rhynard, Karen Wick-Gagnet, Dion Sampson, Will Smith, Gabriela Pickett, Chrisondra Goodwine, Joseph Lacey

Subject	**B. Resolution: Non-renewal of Administrator Contract (S. Davis)**
Meeting	Apr 19, 2022 - Business Meeting
Category	8. Superintendent's Recommendations
Type	Action, Information, Minutes
Recommended Action	I recommend approval of the following: Resolution - Nonrenewal of Administrator Contract (L. Jones).

Resolution - Nonrenewal of Administrator Contract (S. Davis)

Motion & Voting

I recommend approval of the following: Resolution - Nonrenewal of Administrator Contract (L. Jones).

Motion by Dion Sampson, second by Karen Wick-Gagnet.
Final Resolution: Motion Carried
Yes: Jocelyn Spencer Rhynard, Karen Wick-Gagnet, Dion Sampson, Will Smith, Gabriela Pickett, Joseph Lacey
No: Chrisondra Goodwine

Subject	**C. Resolution: Non-renewal of Administrator Contract (J. Hunter)**
Meeting	Apr 19, 2022 - Business Meeting
Category	8. Superintendent's Recommendations
Type	Action, Information, Minutes
Recommended Action	I recommend approval of the following: Resolution - Nonrenewal of Administrator Contract (J. Hunter).

Resolution - Nonrenewal of Administrator Contract (J. Hunter)

Motion & Voting

I recommend approval of the following: Resolution - Nonrenewal of Administrator Contract (J. Hunter).

Motion by Dion Sampson, second by Jocelyn Spencer Rhynard.
Final Resolution: Motion Carried
Yes: Jocelyn Spencer Rhynard, Karen Wick-Gagnet, Will Smith, Gabriela Pickett
No: Dion Sampson, Chrisondra Goodwine, Joseph Lacey

Subject	**D. Resolution: Non-renewal of Administrator Contract (L. Jones)**

Meeting	Apr 19, 2022 - Business Meeting
Category	8. Superintendent's Recommendations
Type	Action, Information, Minutes
Recommended Action	I recommend approval of the following: Resolution - Nonrenewal of Administrator Contract (L. Jones).

Resolution - Nonrenewal of Administrator Contract (L. Jones)

Motion & Voting

I recommend approval of the following: Resolution - Nonrenewal of Administrator Contract (L. Jones).

Motion by Will Smith, second by Dion Sampson.
Final Resolution: Motion Carried
Yes: Jocelyn Spencer Rhynard, Karen Wick-Gagnet, Dion Sampson, Will Smith, Gabriela Pickett, Joseph Lacey
No: Chrisondra Goodwine

Subject	**E. Resolution: Non-renewal of DEA Contract (K. Snee)**
Meeting	Apr 19, 2022 - Business Meeting
Category	8. Superintendent's Recommendations
Type	Action, Information, Minutes
Recommended Action	I recommend approval of the following: Resolution - Nonrenewal of DEA Contract (K. Snee).

Resolution - Nonrenewal of Administrator Contract (K. Snee)

Motion & Voting

I recommend approval of the following: Resolution - Nonrenewal of DEA Contract (K. Snee).

Motion by Will Smith, second by Karen Wick-Gagnet.
Final Resolution: Motion Carried
Yes: Jocelyn Spencer Rhynard, Karen Wick-Gagnet, Dion Sampson, Will Smith, Gabriela Pickett, Chrisondra Goodwine, Joseph Lacey

Subject	**F. Resolution: Resignation Agreement (S. Welch)**
Meeting	Apr 19, 2022 - Business Meeting
Category	8. Superintendent's Recommendations
Type	Action, Information, Minutes
Recommended Action	I recommend approval of the following: Resignation Agreement - S. Welch.

Motion & Voting

I recommend approval of the following: Resignation Agreement - S. Welch.

Motion by Will Smith, second by Dion Sampson.
Final Resolution: Motion Carried
Yes: Jocelyn Spencer Rhynard, Karen Wick-Gagnet, Dion Sampson, Will Smith, Gabriela Pickett, Chrisondra Goodwine, Joseph Lacey

Subject	**G. Resolution: Resignation Agreement (T. Jackson)**
Meeting	Apr 19, 2022 - Business Meeting
Category	8. Superintendent's Recommendations
Type	Action, Information, Minutes
Recommended Action	I recommend approval of the following: Resignation Agreement - T. Jackson.

Motion & Voting

I recommend approval of the following: Resignation Agreement - T. Jackson.

Motion by Will Smith, second by Dion Sampson.
Final Resolution: Motion Carried
Yes: Jocelyn Spencer Rhynard, Karen Wick-Gagnet, Dion Sampson, Will Smith, Gabriela Pickett, Chrisondra Goodwine, Joseph Lacey

Subject	**H. Resolution: Settlement Agreement: Devon Henderson**
Meeting	Apr 19, 2022 - Business Meeting
Category	8. Superintendent's Recommendations
Type	Action, Discussion, Information, Minutes
Recommended Action	I recommend approval of the following: Settlement Agreement: Devon Henderson.

Motion & Voting

I recommend approval of the following: Settlement Agreement: Devon Henderson.

Motion by Will Smith, second by Dion Sampson.
Final Resolution: Motion Carried
Yes: Jocelyn Spencer Rhynard, Karen Wick-Gagnet, Dion Sampson, Will Smith, Gabriela Pickett, Chrisondra Goodwine, Joseph Lacey

Subject	**I. District Calendar 2022-2023 REVISED**
Meeting	Apr 19, 2022 - Business Meeting
Category	8. Superintendent's Recommendations
Type	Action, Information, Minutes
Recommended Action	I recommend approval of the following: District Calendar 2022-2023 REVISED.

District Calendar 2022-2023 REVISED

Motion & Voting

I recommend approval of the following: District Calendar 2022-2023 REVISED.

Motion by Will Smith, second by Karen Wick-Gagnet.
Final Resolution: Motion Carried
Yes: Jocelyn Spencer Rhynard, Karen Wick-Gagnet, Dion Sampson, Will Smith, Gabriela Pickett, Chrisondra Goodwine, Joseph Lacey

9. Treasurer's Recommendations

Subject	**A. Monthly Financials - March 2022**
Meeting	Apr 19, 2022 - Business Meeting
Category	9. Treasurer's Recommendations
Type	Action
Recommended Action	I recommend approval of the Monthly Financials for March 2022.

Monthly Financials - March 2022

Motion & Voting

I recommend approval of the Monthly Financials for March 2022.

Motion by Joseph Lacey, second by Chrisondra Goodwine.
Final Resolution: Motion Carried
Yes: Jocelyn Spencer Rhynard, Karen Wick-Gagnet, Dion Sampson, Will Smith, Gabriela Pickett, Chrisondra Goodwine, Joseph Lacey

Subject	**B. Approval of Minutes**
Meeting	Apr 19, 2022 - Business Meeting
Category	9. Treasurer's Recommendations
Type	Action
Recommended Action	I recommend approval of the Official Minutes for March 2022.

March 8, 2022 - Review Session
March 15, 2022 - Business Meeting

Motion & Voting

I recommend approval of the Official Minutes for March 2022.

Motion by Karen Wick-Gagnet, second by Chrisondra Goodwine.
Final Resolution: Motion Carried
Yes: Jocelyn Spencer Rhynard, Karen Wick-Gagnet, Dion Sampson, Will Smith, Gabriela Pickett, Chrisondra Goodwine, Joseph Lacey

Subject	**C. Donations - April 19, 2022**
Meeting	Apr 19, 2022 - Business Meeting
Category	9. Treasurer's Recommendations
Type	Action, Information
Recommended Action	I recommend approval of the Donations for April 19, 2022.

Donations - April 19, 2022

Motion & Voting

I recommend approval of the Donations for April 19, 2022.

Motion by Will Smith, second by Karen Wick-Gagnet.
Final Resolution: Motion Carried
Yes: Jocelyn Spencer Rhynard, Karen Wick-Gagnet, Dion Sampson, Will Smith, Gabriela Pickett, Chrisondra Goodwine, Joseph Lacey

Subject	**D. Purchase Requisitions**
Meeting	Apr 19, 2022 - Business Meeting
Category	9. Treasurer's Recommendations
Type	Action, Information, Minutes
Recommended Action	I recommend approval of the following Purchase Requisitions.

Purchase Requisitions 4-19-22

Motion & Voting

I recommend approval of the following Purchase Requisitions.

Motion by Will Smith, second by Chrisondra Goodwine.
Final Resolution: Motion Carried
Yes: Jocelyn Spencer Rhynard, Karen Wick-Gagnet, Dion Sampson, Will Smith, Gabriela Pickett, Chrisondra Goodwine, Joseph Lacey

Subject	**E. Then & Now 4-19-22**
Meeting	Apr 19, 2022 - Business Meeting
Category	9. Treasurer's Recommendations
Type	Action, Information, Minutes
Recommended Action	I recommend approval of the following: Then & Now.

Then & Now 4-19-22

Motion & Voting

I recommend approval of the following: Then & Now.

Motion by Will Smith, second by Chrisondra Goodwine.
Final Resolution: Motion Carried
Yes: Jocelyn Spencer Rhynard, Karen Wick-Gagnet, Dion Sampson, Will Smith, Gabriela Pickett, Chrisondra Goodwine, Joseph Lacey

10. New Business

Subject	**A. Chrisondra Goodwine**
Meeting	Apr 19, 2022 - Business Meeting
Category	10. New Business
Type	

Subject	**B. Joe Lacey**

Meeting	Apr 19, 2022 - Business Meeting
Category	10. New Business
Type	

Subject	**C. Gabriela Pickett**
Meeting	Apr 19, 2022 - Business Meeting
Category	10. New Business
Type	Action
Recommended Action	Inasmuch as the Board of Education is committed to the continual updating of its Policies, Rules and Regulations Manual and the committee, which was appointed, has been working toward that goal, the following is brought at this time for second reading in compliance with Board File. NOW, THEREFORE, BE IT RESOLVED that the Board of Education of the Dayton City School District, Montgomery County, Ohio, hereby accepts and adopts the following policies that have been codified for inclusion in the Handbook of Policies, Rules and Regulations:

Policy - 2nd Readings 4-19-22

Motion & Voting

Inasmuch as the Board of Education is committed to the continual updating of its Policies, Rules and Regulations Manual and the committee, which was appointed, has been working toward that goal, the following is brought at this time for second reading in compliance with Board File. NOW, THEREFORE, BE IT RESOLVED that the Board of Education of the Dayton City School District, Montgomery County, Ohio, hereby accepts and adopts the following policies that have been codified for inclusion in the Handbook of Policies, Rules and Regulations:

Motion by Joseph Lacey, second by Karen Wick-Gagnet.
Final Resolution: Motion Carried
Yes: Jocelyn Spencer Rhynard, Karen Wick-Gagnet, Dion Sampson, Will Smith, Gabriela Pickett, Chrisondra Goodwine, Joseph Lacey

Subject	**D. Dion Sampson**
Meeting	Apr 19, 2022 - Business Meeting
Category	10. New Business
Type	

Subject	**E. Jocelyn Spencer Rhynard**
Meeting	Apr 19, 2022 - Business Meeting
Category	10. New Business
Type	

Subject	**F. Karen Wick-Gagnet**

Meeting Apr 19, 2022 - Business Meeting

Category 10. New Business

Type

Subject G. Will Smith

Meeting Apr 19, 2022 - Business Meeting

Category 10. New Business

Type

Subject H. Hiwot Abraha

Meeting Apr 19, 2022 - Business Meeting

Category 10. New Business

Type Information

Subject I. Elizabeth Lolli

Meeting Apr 19, 2022 - Business Meeting

Category 10. New Business

Type

11. Adjournment

Subject A. Adjournment

Meeting Apr 19, 2022 - Business Meeting

Category 11. Adjournment

Type Action

Motion & Voting

I'll entertain a motion for adjournment.

Motion by Will Smith, second by Dion Sampson.
Final Resolution: Motion Carried
Yes: Jocelyn Spencer Rhynard, Karen Wick-Gagnet, Dion Sampson, Will Smith, Gabriela Pickett, Chrisondra Goodwine, Joseph Lacey

This agenda is considered a draft until approved by the Dayton Board of Education.

Appendix 2 List of Agendas BOE

1. December 11, 2018
2. 2019 meeting schedule
3. January 25, 2019- “Executive session to consider new voting system”
4. February 19, 2019
5. March 5, 2019
6. March 12, 2019
7. A Protest Hearing Mar 18, 2019
8. May 6, 2019
9. August 15, 2019
10. August 27, 2019
11. September 10, 2019
12. Oct 15, 2019
13. Nov 4, 2019
14. Nov 25, 2019
15. Nov 26, 2019
16. Dec 10, 2019 “X. Motion to Enter Executive Session”
17. Dec 20, 2019
18. 2020 Calendar
19. Feb 11, 2020
20. Apr 28, 2020
21. May 11, 2020
22. Aug 3, 2020
23. Aug 17, 2020
24. Sep 22, 2020
25. Oct 20, 2020
26. Nov 2, 2020
27. Nov 16, 2020
28. Nov 17, 2020
29. Nov 18, 2020
30. Feb 14, 2021
31. Feb 16, 2021
32. Mar 2, 2021
33. Mar 10, 2021
34. May 3, 2012
35. May 24, 2021
36. May 25, 2021
37. Jul 13, 2021
38. Aug 16, 2021
39. Aug 30, 2021 “VIII. Executive Session”
40. Sep 14, 2021
41. Oct 12, 2021
42. Nov 1, 2021
43. Nov 18, 2021
44. Nov 23, 2021

45. Dec 7, 2021
46. Dec 30, 2021
47. Mar 8, 2022
48. Mar 15, 2022
49. May 24, 2022
50. Apr 12, 2022
51. May 2, 2022 “VI. Executive Session”
52. May 24, 2022 “VIII. Executive Session”

451 West Third St
Dayton, OH 45422
Phone: (937) 225-5656
FAX: (937) 496-7798

Website: www.mcboe.org

MONTGOMERY COUNTY

BOARD OF ELECTIONS

BOARD MEMBERS
Rhine McLin, Chair
Sarah W. Greathouse
Kay C. Wick
Tom Young

DIRECTOR
Jan Kelly

DEPUTY DIRECTOR
Steven P. Harsman

Board Meeting Agenda
Tuesday, December 11, 2018
11:00am

I. Call to Order

II. Pledge of Allegiance

III. Discussion and Approval of the 2019 Board Meeting Calendar

IV. Director, Deputy Director, and Board Member Comments

V. Public Comments

VI. Announcement of Next Meeting: Tuesday, February 19, 2019 – 8:30am

VII. Adjournment

Montgomery County Board of Elections
2019 Meeting Schedule

JANUARY

No Meeting Scheduled

FEBRUARY

Tuesday, February 19, 2019 - 8:30 am

- Certification of Petitions for the May 7, 2019 Primary/Special Election
- Selection of New Voting System

MARCH

Tuesday, March 5, 2019 - 8:30 am

- Reorganization
- Certification of Petitions for the May 7, 2019 Primary/Special Election

Tuesday, March 12, 2019 - 8:30 am

- Certification of Petitions for the May 7, 2019 Primary/Special Election (City of Dayton)

APRIL

No Meeting Scheduled

MAY

Monday, May 6, 2019 - 11:00 am

- Open in Session for the May 7, 2019 Primary/Special Election
- Approval of Remade Ballots for the May 7, 2019 Primary/Special Election

Tuesday, May 21, 2019 - 8:30 am

- Approval of the Provisional Database from the May 7, 2019 Primary/Special Election
- Approval of Remade Ballots from the May 7, 2019 Primary/Special Election
- Certification of the Official Results from the May 7, 2019 Primary/Special Election

JUNE

No Meeting Scheduled

JULY

No Meeting Scheduled

AUGUST

Tuesday, August 27, 2019 – 8:30am

- Certification of Petitions for the November 5, 2019 General Election

SEPTEMBER

No Meeting Scheduled

OCTOBER

Tuesday, October 15, 2019 - 8:30 am

- General Business

NOVEMBER

Monday, November 4, 2019 - 11:00 am

- Open in Session for the November 5, 2019 General Election
- Approval of Remade Ballots for the November 5, 2019 General Election

Monday, November 25, 2019 - 8:30 am

- Approval of the Provisional Database from the November 5, 2019 General Election
- Approval of Remade Ballots

Tuesday, November 26, 2019 - 8:30 am

- Certification of the Official Results from the November 5, 2019 General Election

DECEMBER

Tuesday, December 10, 2019 - 11:00 am

- General Business
- Review of Calendar for 2020

Meetings of the Montgomery County Board of Elections are held at the Board offices, 451 W. Third St., Dayton, Ohio.
Meetings dates and times are subject to change.

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MONTGOMERY COUNTY

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Tom Young

DIRECTOR
Jan Kelly

DEPUTY DIRECTOR
Steven P. Harsman

Board Meeting Agenda
Friday, January 25, 2019
8:30 am

I. Call to Order

II. Pledge of Allegiance

III. Motion to approve bills

IV. Motion to certify amended Official Results from the November 6, 2018 General Election due to changes in the Official Results from Miami County

V. Motion to certify candidates for the May 7, 2019 Special Election

VI. Executive session to consider new voting system

VII. Discussion of new voting system

VIII. Public Comments

IX. Announcement of Next Meeting: Tuesday, February 19, 2019 at 8:30am

X. Adjournment

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MONTGOMERY COUNTY

BOARD OF ELECTIONS

BOARD MEMBERS
Rhine McLin, Chair
Kurt Hatcher
Kay C. Wick
Tom Young

DIRECTOR
Jan Kelly

DEPUTY DIRECTOR
Steven P. Harsman

Board Meeting Agenda

Tuesday, February 19, 2019
8:30am

I. Call to Order

II. Pledge of Allegiance

III. Motion to approve bills

IV. Motion to approve minutes from the following Board Meetings:
   A. November 27, 2018
   B. December 6, 2018
   C. December 11, 2018
   D. January 25, 2019

V. Motion to certify candidates for the May 7, 2019 Primary/Special Election

VI. Motion to certify candidates for the November 5, 2019 General Election

VII. Motion to certify Local Option Issues for the November 5, 2019 General Election

VIII. Consideration of Petitions that Appear Questionable

IX. Presentation of Ohio Registered Election Official certifications

X. Director, Deputy Director, and Board Member Comments

XI. Public Comments

XII. Announcement of Next Meeting: March 5, 2019 – 8:30am

XIII. Adjournment

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MONTGOMERY COUNTY

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Kurt Hatcher
Kay C. Wick
Tom Young

DIRECTOR
Jan Kelly

DEPUTY DIRECTOR
Steven P. Harsman

Board Meeting Agenda

Biennial Organizational Meeting

Tuesday, March 5, 2019
8:30am

I. Call to Order

II. Pledge of Allegiance

III. Biennial Organization
   A. Motion to Select a Temporary Chairperson
   B. Motion to Appoint a Director
   C. Motion to Appoint a Deputy Director
   D. Motion to Appoint a Chairperson
   E. Oaths of Office

IV. Motion to approve bills

V. Motion to approve minutes from the February 19, 2019 Board Meeting

VI. Motion to certify candidates for the May 7, 2019 Primary/Special Election

VII. Director, Deputy Director, and Board Member Comments

VIII. Public Comments

IX. Announcement of Next Meeting: March 12, 2019 – 8:30am

X. Adjournment

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MONTGOMERY COUNTY

BOARD OF ELECTIONS

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Kurt Hatcher
Kay C. Wick
Tom Young

DIRECTOR
Jan Kelly

DEPUTY DIRECTOR
Steven P. Harsman

Board Meeting Agenda

Tuesday, March 12, 2019
8:30am

I. Call to Order

II. Pledge of Allegiance

III. Motion to approve minutes from the March 5, 2019 Board Meeting

IV. Motion to certify candidates for the May 7, 2019 Primary/Special Election

V. Director, Deputy Director, and Board Member Comments

VI. Public Comments

VII. Announcement of Next Meeting: May 6, 2019 – 11:00am

VIII. Adjournment

Subject: Notice of Protest Hearing
From: "Hibner, Bill" <HibnerB@mcohio.org>
Date: 3/15/19, 8:09 AM
To: "Hibner, Bill" <HibnerB@mcohio.org>
CC: "Merkle, Cathie" <MerkleC@mcohio.org>

Notice: A Protest Hearing on the petitions for David Esrati, Candidate for Dayton City Commission, will occur on Monday, March 18, 2019 at 10:00am at the Montgomery County Board of Elections, 451 W. Third St., Dayton, Ohio 45422.

Please let me know if you have any questions.

-Bill

Bill Hibner | Executive Manager

Montgomery County Board of Elections
451 W Third St | Dayton, Ohio 45422
937-225-5659 (o) | 937-496-7798 (f)
hibnerb@mcohio.org
www.mcboe.org

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MONTGOMERY COUNTY

BOARD OF ELECTIONS

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Kurt Hatcher
Kay C. Wick
Tom Young

DIRECTOR
Jan Kelly

DEPUTY DIRECTOR
Steven P. Harsman

Board Meeting Agenda
Monday, May 6, 2019
11:00am

I. Call to Order

II. Pledge of Allegiance

III. Motion to approve the minutes from the March 12, 2019 Board Meeting

IV. Motion to certify candidate petitions for the November 5, 2019 General Election

V. Motion to approve remade Absentee Ballots for the May 7, 2019 Special Election

VI. Selection of Electronic Poll Book Vendor

VII. Director, Deputy Director, and Board Member Comments

VIII. Public Comments

IX. Announcement of Next Meetings: Monday, May 20, 2019 at 8:30am &
Tuesday, May 21, 2019 at 8:30am

X. Recess

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Kay C. Wick
Tom Young

DIRECTOR
Jan Kelly

DEPUTY DIRECTOR
Steven P. Harsman

Board Meeting Agenda
Thursday, August 15, 2019
8:30am

I. Call to Order

II. Pledge of Allegiance

III. Candidate Petitions for the November 5, 2019 General Election

   I. Motion to certify candidate petitions that appear valid

   II. Consideration of candidate petitions that appear invalid

   III. Consideration of candidate petitions that appear questionable

IV. Local Option petitions for the November 5, 2019 General Election

   I. Motion to certify local option petitions that appear valid

   II. Consideration of local option petitions that appear invalid

V. Director, Deputy Director, and Board Member Comments

VI. Public Comments

VII. Announcement of Next Meetings: Tuesday, August 27, 2019

VIII. Adjournment

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MONTGOMERY COUNTY

BOARD OF ELECTIONS

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Kurt Hatcher
Kay C. Wick
Tom Young

DIRECTOR
Jan Kelly

DEPUTY DIRECTOR
Steven P. Harsman

Board Meeting Agenda
Tuesday, August 27, 2019
8:30am

I. Call to Order

II. Pledge of Allegiance

III. Motion to Approve Bills

IV. Candidate Petitions for the November 5, 2019 General Election

   I. Motion to certify candidate petitions that appear valid

V. Voting Equipment Allocation for the November 5, 2019 General Election

VI. Hearing on Pending Petition for David Young for City of Trotwood Council regarding residency requirement as protested by Rhonda Finley

VII. Hearing on candidacy for Craig Anderson for Harrison Township Trustee regarding his current address

VIII. Director, Deputy Director, and Board Member Comments

IX. Public Comments

X. Announcement of Next Meetings: Tuesday, October 15, 2019 – 8:30am

XI. Adjournment

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MONTGOMERY COUNTY

BOARD OF ELECTIONS

BOARD MEMBERS
Rhine McLin, Chair
Kurt Hatcher
Kay C. Wick
Tom Young

DIRECTOR
Jan Kelly

DEPUTY DIRECTOR
Steven P. Harsman

Board Meeting Agenda
Tuesday, September 10, 2019
8:30am

I. Call to Order

II. Pledge of Allegiance

III. Motion to Approve Bills

IV. Hearing on the Validity of Candidacy of Michael Andrews

V. Hearing on the Validity of Candidacy of Robert Kelley

VI. Director, Deputy Director, and Board Member Comments

VII. Public Comments

VIII. Announcement of Next Meeting: Tuesday, October 15, 2019 at 8:30am

IX. Adjournment

MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

KURT HATCHER
Member

KAY WICK
Member

TOM YOUNG
Member

JAN KELLY
Director

STEVE HARSMAN
Deputy Director

Board Meeting Agenda
Tuesday, October 15, 2019
8:30am

I. Call to Order

II. Pledge of Allegiance

III. Motion to Approve Bills

IV. Motion to Approve Minutes

V. Candidate Petitions

   I. Motion to approve candidate petitions that appear valid for the March 17, 2020 Primary Election

VI. Allocation of Voting Equipment

VII. Director, Deputy Director, and Board Member Comments

VIII. Public Comments

IX. Announcement of Next Meeting: Monday, November 4, 2019 at 11:00am

X. Adjournment

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

KURT HATCHER
Member

KAY WICK
Member

TOM YOUNG
Member

JAN KELLY
Director

STEVE HARSMAN
Deputy Director

Board Meeting Agenda
Monday, November 4, 2019
11:00am

I. Call to Order

II. Pledge of Allegiance

III. Motion to Approve Bills

IV. Motion to Approve Minutes

V. Candidate Petitions

   I. Motion to approve candidate petitions that appear valid for the March 17, 2020 Primary Election

VI. Motion to Approve Remade Absentee Ballots

VII. Director, Deputy Director, and Board Member Comments

VIII. Public Comments

IX. Announcement of Next Meeting: Monday, November 25, 2019 at 8:30am

X. Recess

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

KURT HATCHER
Member

KAY WICK
Member

TOM YOUNG
Member

JAN KELLY
Director

STEVE HARSMAN
Deputy Director

Agenda

Meeting of the Board of Elections
Monday, November 25, 2019
8:30am

I. Reconvening of the November 4, 2019 Board Meeting

II. Pledge of Allegiance

III. Motion to Approve the Provisional Ballot Report and Authorize the Opening of Provisional Ballots from the November 5, 2019 General Election

IV. Motion to Approve Bills

V. Motion to Approve Minutes

VI. Approval of Remade Absentee Ballots

VII. Approval of Remade Provisional Ballots

VIII. Candidate Petitions

   I. Motion to approve candidate petitions that appear valid for the March 17, 2020 Primary Election

IX. Director, Deputy Director, and Board Member Comments

X. Public Comments

XI. Announcement of Next Meeting: Tuesday, November 26, 2019 at 8:30am

XII. Adjournment

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

KURT HATCHER
Member

KAY WICK
Member

TOM YOUNG
Member

JAN KELLY
Director

STEVE HARSMAN
Deputy Director

Agenda

Meeting of the Board of Elections
Tuesday, November 26, 2019
8:30am

I. Call to Order

II. Pledge of Allegiance

III. Motion to Approve Minutes

IV. Motion to Certify the Official Results from the November 5, 2019 General Election

V. Selection of Precincts to Recount (If Applicable)

VI. Director, Deputy Director, and Board Member Comments

VII. Public Comments

VIII. Announcement of Next Meeting: Tuesday, December 10, 2019 at 11:00am

IX. Adjournment

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

KURT HATCHER
Member

KAY WICK
Member

TOM YOUNG
Member

JAN KELLY
Director

STEVE HARSMAN
Deputy Director

Agenda

Meeting of the Board of Elections
Tuesday, December 10, 2019
8:30am

I. Call to Order

II. Pledge of Allegiance

III. Motion to Approve Minutes

IV. Motion to Certify the Official Recounted Results from the November 5, 2019 General Election

V. Motion to Certify the Official Audit of the November 5, 2019 General Election

VI. Candidate Petitions

   I. Motion to approve candidate petitions that appear valid for the March 17, 2020 Primary Election

VII. Discussion of 2020 Board Meeting Calendar

VIII. Director, Deputy Director, and Board Member Comments

IX. Public Comments

X. Motion to Enter Executive Session

XI. Announcement of Next Meeting: Friday, December 20, 2019 at 11:00am

XII. Adjournment

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

KURT HATCHER
Member

KAY WICK
Member

JAN KELLY
Director

STEVE HARSMAN
Deputy Director

Agenda

Meeting of the Board of Elections
Friday, December 20, 2019
11:00am

I. Call to Order

II. Pledge of Allegiance

III. Motion to Approve Minutes

IV. Candidate Petitions for the March 17, 2019 Primary Election

  I. Motion to approve candidate petitions that appear valid

  II. Consideration of petitions that appear invalid

V. Republican Central Committee Candidate Petitions for the March 17, 2019 Primary Election

  I. Motion to approve Republican Central Committee candidate petitions that appear valid

  II. Consideration of Republican Central Committee candidate petitions that appear questionable

  III. Consideration of Republican Central Committee candidate petitions that appear invalid

VI. Director, Deputy Director, and Board Member Comments

VII. Public Comments

VIII. Announcement of Next Meeting: Tuesday, February 11, 2020 at 8:30am

IX. Adjournment

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

2020 Calendar

Meetings of the Board of Elections

JANUARY

No Meeting Scheduled

FEBRUARY

Tuesday, February 11, 2020 - 8:30 am

- General Business

MARCH

Monday, March 16, 2020 – 11:00 am

- Open in Session for the March 17, 2020 Primary Election

APRIL

Tuesday, April 28, 2020 – 2:00pm – ADDITIONAL MEETING

- Approval of Remade Absentee from the March 17, 2020 Primary Election

MAY

Monday, May 11, 2020 – 8:30am – ADDITIONAL MEETING

- Approval of Provisional Ballots from the March 17, 2020 Primary Election
- Certification of Official Results from the March 17, 2020 Primary Election

~~**Tuesday, May 19, 2020 – 8:30 am**~~ – **CANCELED**

- ~~General Business~~
- ~~Certification of Petitions for the November 3, 2020 General Election~~

JUNE

No Meeting Scheduled

JULY

~~**Tuesday, July 14, 2020 – 8:30 am**~~ – **CANCELED**

- ~~General Business~~

AUGUST

Monday, August 3, 2020 – 8:30am

- Open in Session for the August 4, 2020 Special Election (if applicable)

Monday, August 17, 2020 – 8:30am

- Approval of Provisional Database from the August 4, 2019 Special Election (if applicable)
- Certification of Official Results from the August 4, 2019 Special Election (if applicable)

SEPTEMBER

Tuesday, September 22, 2020 – 8:30am

- General Business

OCTOBER

Tuesday, October 20, 2020 - 8:30 am

- General Business

NOVEMBER

Monday, November 2, 2020 - 11:00 am

- Open in Session for the November 3, 2020 General Election

Monday, November 16, 2020 – 11:00am – MOVED FROM NOVEMBER 20, 2020

- Approval of the Provisional Database from the November 3, 2020 General Election

Tuesday, November 17, 2020 - 8:30 am – MOVED FROM NOVEMBER 23, 2020

- Approval of Remade Ballots

Wednesday, November 18, 2020 - 8:30 am - MOVED FROM NOVEMBER 24, 2020

- Certification of the Official Results from the November 3, 2020 General Election

DECEMBER

Tuesday, December 8, 2020 - 11:00 am - MOVED FROM DECEMBER 15, 2020

- General Business
- Review of Calendar for 2021

Meetings of the Montgomery County Board of Elections are held at the Board offices, 451 W. Third St., Dayton, Ohio.
Meetings dates and times are subject to change.

MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

KURT HATCHER
Member

ELAINE HERRICK
Member

KAY WICK
Member

JAN KELLY
Director

STEVE HARSMAN
Deputy Director

Agenda

Meeting of the Board of Elections
Tuesday, February 11, 2020
8:30am

I. Call to Order

II. Pledge of Allegiance

III. Motion to Approve Minutes

IV. Director, Deputy Director, and Board Member Comments

V. Public Comments

VI. Announcement of Next Meeting: Monday, March 16, 2020 at 11:00am

VII. Adjournment

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

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KURT HATCHER
Member

ELAINE HERRICK
Member

KAY WICK
Member

JAN KELLY
Director

STEVE HARSMAN
Deputy Director

Agenda

Meeting of the Board of Elections
Tuesday, April 28, 2020
2:00pm

I. Reconvening of the March 16, 2020 Board of Elections Meeting

II. Pledge of Allegiance

III. Approval of Remade Absentee Ballots

IV. Director, Deputy Director, and Board Member Comments

V. Public Comments

VI. Announcement of Next Meeting: Monday, May 11, 2020 at 8:30am

VII. Adjournment

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
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Member

KAY WICK
Member

JAN KELLY
Director

STEVE HARSMAN
Deputy Director

Agenda

Meeting of the Board of Elections
Monday, May 11, 2020
8:30am

I. Call to Order

II. Pledge of Allegiance

III. Motion to Approve the Provisional Ballot Report and Authorize the Opening of Provisional Ballots from the March 17, 2020 Primary Election

IV. Approval of Remade Absentee Ballots

V. Allocation of Voting Equipment for the August 4, 2020 Special Election

VI. Director, Deputy Director, and Board Member Comments

VII. Public Comments

VIII. Certification of Official Results from the March 17, 2020 Primary Election

IX. Announcement of Next Meeting: Monday, August 3, 2020 at 8:30am

X. Adjournment

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
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Member

KAY WICK
Member

JAN KELLY
Director

STEVE HARSMAN
Deputy Director

Agenda

Meeting of the Board of Elections
Monday, August 3, 2020
8:30am

I. Call to Order

II. Pledge of Allegiance

III. Motion to Approve Minutes

IV. Director, Deputy Director, and Board Member Comments

V. Public Comments

VI. Announcement of Next Meetings: Monday, August 17, 2020 at 8:30am

VII. Recess

MONTGOMERY COUNTY BOARD OF ELECTIONS

451 W. Third Street
Dayton, OH 45422

phone: (937) 225-5656
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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

KURT HATCHER
Member

ELAINE HERRICK
Member

KAY WICK
Member

JAN KELLY
Director

STEVE HARSMAN
Deputy Director

Agenda

Meeting of the Board of Elections
Monday, August 17, 2020
8:30am

I. Return from Recess of the August 3, 2020 Board Meeting

II. Pledge of Allegiance

III. Approval of Previous Meeting's Minutes

IV. Approval the Provisional Ballot Report and Authorize the Opening of the Provisional Ballots from the August 3, 2020 Special Election

V. Director, Deputy Director, and Board Member Comments

VI. Certification of the Official Results from the August 4, 2020 Special Election

VII. Public Comments

VIII. Announcement of Next Meetings: Tuesday, September 22, 2020 at 8:30am

IX. Recess

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
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KURT HATCHER
Member

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Member

KAY WICK
Member

JAN KELLY
Director

STEVE HARSMAN
Deputy Director

Agenda

Meeting of the Board of Elections
Tuesday, September 22, 2020
8:30am

I. Call to Order

II. Pledge of Allegiance

III. Approval of Previous Meeting's Minutes

IV. Approval of Voting Equipment allocation for the November 3, 2020 Presidential Election

V. Director, Deputy Director, and Board Member Comments

VI. Public Comments

VII. Announcement of Next Meeting: Tuesday, October 20, 2020 at 8:30am

VIII. Adjournment

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

KURT HATCHER
Member

ELAINE HERRICK
Member

KAY WICK
Member

JAN KELLY
Director

STEVE HARSMAN
Deputy Director

Agenda

Meeting of the Board of Elections
Tuesday, October 20, 2020
8:30am

I. Call to Order

II. Pledge of Allegiance

III. Approval of Previous Meeting's Minutes

IV. Approval of Bills

V. Allocation of Voting Equipment

VI. Approval of Remade Absentee Ballots

VII. Director, Deputy Director, and Board Member Comments

VIII. Public Comments

IX. Announcement of Next Meeting: Monday, November 2, 2020 at 11:00am

X. Adjournment

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

KURT HATCHER
Member

ELAINE HERRICK
Member

KAY WICK
Member

JAN KELLY
Director

STEVE HARSMAN
Deputy Director

Agenda

Meeting of the Board of Elections
Monday, November 2, 2020
11:00am

I. Call to Order

II. Pledge of Allegiance

III. Motion to Approve Minutes

IV. Motion to Approve Bills

V. Motion to Approve Remade Absentee Ballots

VI. Director, Deputy Director, and Board Member Comments

VII. Public Comments

VIII. Announcement of Next Meetings: Monday, November 16, 2020 at 11:00am

IX. Recess

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

KURT HATCHER
Member

ELAINE HERRICK
Member

KAY WICK
Member

JAN KELLY
Director

STEVE HARSMAN
Deputy Director

Agenda

Meeting of the Board of Elections
Monday, November 16, 2020
8:30am

I. Reconvene the November 2, 2020 Board of Elections Meeting

II. Pledge of Allegiance

III. Motion to Approve Bills

IV. Approval of the Provisional Ballot Report and Authorization of the Opening of Provisional Ballots from the November 3, 2020 Presidential Election

V. Director, Deputy Director, and Board Member Comments

VI. Public Comments

VII. Announcement of Next Meetings: Tuesday, November 17, 2020 and Wednesday, November 18, 2020 at 8:30am

VIII. Adjournment

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

KURT HATCHER
Member

ELAINE HERRICK
Member

KAY WICK
Member

JAN KELLY
Director

STEVE HARSMAN
Deputy Director

Agenda

Meeting of the Board of Elections
Tuesday, November 17, 2020
8:30am

I. Call to Order

II. Pledge of Allegiance

III. Approval of Remade Absentee Ballots

IV. Approval of Remade Provisional Ballots

V. Director, Deputy Director, and Board Member Comments

VI. Public Comments

VII. Announcement of Next Meetings: Wednesday, November 18, 2020 at 8:30am for the Official Certification of the 2020 Presidential Election

VIII. Recess

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

KURT HATCHER
Member

ELAINE HERRICK
Member

KAY WICK
Member

JAN KELLY
Director

STEVE HARSMAN
Deputy Director

Agenda

Meeting of the Board of Elections
Wednesday, November 18, 2020
8:30am

I. Call to Order

II. Pledge of Allegiance

III. Certification of the November 3, 2020 Presidential Election

IV. Director, Deputy Director, and Board Member Comments

V. Public Comments

VI. Announcement of Next Meetings: Tuesday, December 8, 2020 at 11:00am

VII. Adjournment

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

THOMAS A. ROUTSONG
Member

KURT HATCHER
Member

ERIK BLAINE
Member

JEFFERY REZABEK
Director

SARAH GREATHOUSE
Deputy Director

Agenda

Monday, February 14, 2021
3:00 PM

I. Call to Order

II. Pledge of Allegiance

III. Motion to Approve December 30, 2021 Board Meeting Minutes (2022-1)

IV. Motion to Approve Current Bills (2022-2)

V. Candidate Petitions for May 3, 2022 Primary Election (2022-3)
1. Petitions that Appear Valid
2. Petitions that Appear Questionable
3. Petitions that Appear Invalid

VI. Ballot Printing and Mailing Services RFP
a.) Motion to Approve the Outsourcing of Absentee Ballots (2022-4)

VII. Election and Redistricting Update

VIII. Director, Deputy Director, and Board Member Comments

IX. Public Comments

X. Adjournment

XI. Announcement of Next Meeting: Tuesday, March 15, 2022 – 8:30 a.m.

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

KURT HATCHER
Member

ELAINE HERRICK
Member

KAY WICK
Member

STEVE HARSMAN
Deputy Director

Agenda

Meeting of the Board of Elections
Tuesday, February 16, 2021
8:30am

I. Call to Order

II. Pledge of Allegiance

III. Appointment of Director

IV. Candidate Petitions for the May 4, 2021 Special Election

1. Petitions that Appear Valid
2. Petitions that Appear Questionable
3. Petitions that Appear Invalid

II. Local Option Petitions for the May 4, 2021 Special Election

1. Petitions that Appear Valid

V. Director, Deputy Director, and Board Member Comments

VI. Public Comments

VII. Announcement of Next Meetings: Reorganization, March 2, 2021 – 8:30am

VIII. Adjournment

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

ELAINE HERRICK
Member

KURT HATCHER
Member

THOMAS A. ROUTSONG
Member

JEFFERY REZABECK
Director

SARAH GREATHOUSE
Deputy Director

Agenda

Biennial Organizational Meeting
Tuesday, March 2, 2021
8:30 am

I. Call to Order

II. Pledge of Allegiance

III. Biennial Re-Organization
   a. Motion to Select a Temporary Chairperson
   b. Motion to Appoint a Director
   c. Motion to Appoint a Deputy Director
   d. Motion to Appoint a Chairperson
   e. Oaths of Office

IV. Approval of minutes from the February 16, 2021 Board Meeting

V. Approval of bills

VI. Candidate Petitions for the May 4, 2021 Special Election
   a. Petitions that Appear Valid

VII. Local Option Petitions for the May 4, 2021 Special Election
   a. Petitions that Appear Valid

VIII. Director, Deputy Director, and Board Member Comments

IX. Public Comments

X. Announcement of Next Meeting: March 10, 2021 – 8:30am

XI. Adjournment

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

ELAINE HERRICK
Member

KURT HATCHER
Member

THOMAS A. ROUTSONG
Member

JEFFERY REZABEK
Director

SARAH W. GREATHOUSE
Deputy Director

Agenda

Wednesday, March 10, 2021
8:30 am

I. Call to Order

II. Pledge of Allegiance

III. Motion to approve minutes from the March 2, 2021 Board Meeting

IV. Candidate Petitions for the May 4, 2021 Special Election

a) Petitions that Appear Valid

b) Petitions that Appear Invalid

V. Director, Deputy Director, and Board Member Comments

VI. Public Comments

VII. Announcement of Next Meeting: May 3, 2021 – 8:30am

VIII. Adjournment

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

ELAINE HERRICK
Member

KURT HATCHER
Member

THOMAS A. ROUTSONG
Member

JEFFERY REZABEK
Director

SARAH GREATHOUSE
Deputy Director

Agenda

Biennial Organizational Meeting
Monday, May 3, 2021
11:00 am

I. Call to Order

II. Pledge of Allegiance

III. Approval of bills

IV. Approval of Remade Absentee Ballots

V. Approval of Petitions that Appear Valid for November 2, 2021 General Election

VI. Director, Deputy Director, and Board Member Comments

VII. Public Comments

VIII. Announcement of Next Meeting: Tuesday, May 24, 2021 – 8:30am

IX. Recess

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

ELAINE HERRICK
Member

KURT HATCHER
Member

THOMAS A. ROUTSONG
Member

JEFFERY REZABEK
Director

SARAH GREATHOUSE
Deputy Director

Agenda

Monday, May 24, 2021
8:30 am

I. Reconvene the May 3, 2021 Board of Elections Meeting

II. Pledge of Allegiance

III. Approval of Bills

IV. Motion to Approve the Provisional Ballot Report and Authorize the Opening of Provisional Ballots from the May 4, 2021 Special Election

V. Approval to Remake Absentee Ballots from the May 4, 2021 Special Election

VI. Approval to Remake Election Day Manual Ballots from the May 4, 2021 Special Election

VII. Motion to certify candidate petitions for the November 2, 2021General Election

VIII. Director, Deputy Director, and Board Member Comments

IX. Public Comments

X. Announcement of Next Meeting: Tuesday, May 25, 2021 – 8:30am

XI. Adjourn

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

ELAINE HERRICK
Member

KURT HATCHER
Member

THOMAS A. ROUTSONG
Member

JEFFERY REZABEK
Director

SARAH GREATHOUSE
Deputy Director

Agenda

Tuesday, May 25, 2021
8:30 am

I. Call to Order

II. Pledge of Allegiance

III. Approval of minutes from the May 3, 2021 Board Meeting

IV. Certification of Official Results from the May 4, 2021 Special Election

V. Kids Voting Discussion

VI. Director, Deputy Director, and Board Member Comments

VII. Public Comments

VIII. Announcement of Next Meeting: Tuesday, July 13, 2021 – 8:30am

IX. Adjourn

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

ELAINE HERRICK
Member

KURT HATCHER
Member

THOMAS A. ROUTSONG
Member

JEFFERY REZABEK
Director

SARAH GREATHOUSE
Deputy Director

Agenda

Tuesday, July 13, 2021
8:30 am

I. Call to Order

II. Pledge of Allegiance

III. Approval of minutes from the May 25, 2021 Board Meeting

IV. Approval of Bills

V. Approval of Candidate Petitions that Appear Valid for the November 2, 2021 General Election

VI. Director, Deputy Director, and Board Member Comments

VII. Public Comments

VIII. Announcement of Next Meeting: Monday, August 16, 2021 – 8:30am

IX. Adjourn

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

ELAINE HERRICK
Member

KURT HATCHER
Member

THOMAS A. ROUTSONG
Member

JEFFERY REZABEK
Director

SARAH GREATHOUSE
Deputy Director

Agenda

Monday, August 16, 2021
8:30 am

I. Call to Order

II. Pledge of Allegiance

III. Approval of Bills

IV. Candidate Petitions for the November 2, 2021 General Election

a) Petitions that Appear Valid
b) Petitions that Appear Valid and Notable
c) Petitions that Appear Questionable
d) Petitions that Appear Invalid

V. Local Option Petitions for the November 2, 2021 General Election

a) Petitions that Appear Valid
b) Petitions that Appear Questionable
c) Petitions that Appear Invalid

VI. Director, Deputy Director, and Board Member Comments

VII. Public Comments

VIII. Announcement of Next Meeting: August 30, 2021 – 8:30 am

IX. Adjournment

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

ELAINE HERRICK
Member

KURT HATCHER
Member

THOMAS A. ROUTSONG
Member

JEFFERY REZABEK
Director

SARAH GREATHOUSE
Deputy Director

Agenda

Monday, August 30, 2021
8:30 am

I. Call to Order

II. Pledge of Allegiance

III. Motion to Approve Minutes from the August 16, 2021 Board Meeting

IV. Candidate Petitions for the November 2, 2021 General Election

   I. Motion to certify candidate petitions that appear valid
   II. Consideration of candidate petitions that appear invalid
   III. Consideration of candidate petitions that appear questionable

V. Director, Deputy Director, and Board Member Comments

VI. Public Comments

VII. Announcement of Next Meeting: Tuesday, September 14, 2021

VIII. Executive Session

IX. Adjournment

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Member

KURT HATCHER
Member

THOMAS A. ROUTSONG
Member

JEFFERY REZABEK
Director

SARAH GREATHOUSE
Deputy Director

Agenda

Tuesday, September 14, 2021
8:30 am

I. Call to Order

II. Pledge of Allegiance

III. Motion to Approve Minutes from the August 30, 2021 Board Meeting

IV. Motion to Approve Bills

V. Swearing in of New Employees

VI. Director, Deputy Director, and Board Member Comments

VII. Public Comments

VIII. Announcement of Next Meeting: Tuesday, October 12, 2021

IX. Adjournment

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

THOMAS A. ROUTSONG
Member

KURT HATCHER
Member

JEFFERY REZABEK
Director

SARAH GREATHOUSE
Deputy Director

Agenda

Tuesday, October 12, 2021
8:30 am

I. Call to Order

II. Pledge of Allegiance

III. Motion to Approve Minutes from the September 14, 2021 Board Meeting (2021-01)

IV. Motion to Approve Bills (2021-02)

V. Motion to Approve the Outsourcing of Absentee Ballot Printing and Mailing (2021-03)

VI. Remake Absentee Ballots

   a. Motion to Approve the remaking of Absentee Ballots for the November 2, 2021 General Election (2021-04)

VII. Motion to Approve the Allocation of Voting Equipment for the November 2, 2021 General Election (2021-05)

VIII. Director, Deputy Director, and Board Member Comments

IX. Public Comments

X. Announcement of Next Meeting: Monday, November 1, 2021 at 11:00am

XI. Adjournment

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

THOMAS A. ROUTSONG
Member

KURT HATCHER
Member

ERIK BLAINE
Member

JEFFERY REZABEK
Director

SARAH GREATHOUSE
Deputy Director

Agenda

Monday, November 1, 2021
11:00 am

I. Call to Order

II. Pledge of Allegiance

III. Motion to Approve Minutes from the October 12, 2021 Board Meeting (2021-06)

IV. Motion to Approve Bills (2021-07)

V. Remake Absentee Ballots
   a. Motion to Approve the remaking of Absentee Ballots for the November 2, 2021 General Election (2021-08)

VI. Director, Deputy Director, and Board Member Comments

VII. Public Comments

VIII. Announcement of Next Meeting: Monday, November 22, 2021 at 8:30 am

IX. Recess

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

THOMAS A. ROUTSONG
Member

KURT HATCHER
Member

ERIK BLAINE
Member

JEFFERY REZABEK
Director

SARAH GREATHOUSE
Deputy Director

Agenda

Meeting of the Board of Elections
Thursday, November 18, 2021
8:30am

I. Reconvene the November 1, 2021 Board of Elections Meeting

II. Pledge of Allegiance

III. Motion to Approve the Provisional Ballot Report and Authorize the Opening of the Provisional Ballots from the November 2, 2021 General Election (2021-09)

IV. Motion to Remake Absentee Ballots from the November 2, 2021 General Election (2021-10)

V. Director, Deputy Director, and Board Member Comments

VI. Public Comments

VII. Motion to Remake Provisional Ballots from the November 2, 2021 General Election (2021-11) (If necessary)

VIII. Logic & Accuracy Public Testing following the Board Meeting

IX. Announcement of Next Meetings: Tuesday, November 23, 2021 – 8:30am

X. Adjournment

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

ELAINE HERRICK
Member

KURT HATCHER
Member

THOMAS A. ROUTSONG
Member

JEFFERY REZABEK
Director

SARAH GREATHOUSE
Deputy Director

Agenda

Tuesday, November 23, 2021
8:30 am

I. Call to Order

II. Pledge of Allegiance

III. Approval of minutes from the November 1 and November 18, 2021 Board Meetings

IV. Certification of Official Results from the November 2, 2021 General Election

V. Selection of Precincts for the Audit and Recounts

VI. Director, Deputy Director, and Board Member Comments

VII. Public Comments

VIII. Announcement of Next Meeting: Tuesday, December 7, 2021 – 11:00 am

IX. Adjournment

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

THOMAS A. ROUTSONG
Member

KURT HATCHER
Member

ERIK BLAINE
Member

JEFFERY REZABEK
Director

SARAH GREATHOUSE
Deputy Director

Agenda

Tuesday, December 7, 2021
11:00 AM

I. Call to Order

II. Pledge of Allegiance

III. Approval of minutes from the November 23, 2021 Board Meeting (2021-12)

IV. Motion to Approve Bills (2021-13)

V. Certification of Official Final Amended Results for the November 2, 2021 General Election (2021-14)

VI. Discussion of 2022 Board Calendar

VII. Director, Deputy Director, and Board Member Comments

VIII. Public Comments

IX. Adjournment

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

THOMAS A. ROUTSONG
Member

KURT HATCHER
Member

ERIK BLAINE
Member

JEFFERY REZABEK
Director

SARAH GREATHOUSE
Deputy Director

Agenda

Thursday, December 30, 2021
4:00 PM

I. Call to Order

II. Pledge of Allegiance

III. Approval of minutes from the December 7, 2021 Board Meeting (2021-15)

IV. Approve Precinct Changes Due to Redistricting (2021-16)

V. Approve the 2022 Board Calendar (2021-17)

VI. Director, Deputy Director, and Board Member Comments

VII. Public Comments

VIII. Adjournment

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

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Board Chair

THOMAS A. ROUTSONG
Member

KURT HATCHER
Member

ERIK BLAINE
Member

JEFFERY REZABEK
Director

SARAH GREATHOUSE
Deputy Director

Agenda

Tuesday, March 8, 2022
3:00 PM

I. Call to Order

II. Pledge of Allegiance

III. Swearing In of New Employee

IV. Motion to Approve February 14, 2022 Board Meeting Minutes (2022-10)

V. Motion to Approve Current Bills (2022-11)

VI. U.S. Representative to Congress Petitions for May 3, 2022 Primary Election (2022-12)
   1. Petitions That Appear Valid

VII. State Senate Fifth District Petitions for May 3, 2022 Primary Election (2022-13)
   1. Petitions That Appear Valid

VIII. Democratic State Central Committee Petitions for May 3, 2022 Primary Election (2022-14)
   1. Petitions That Appear Valid

IX. Republican State Central Committee Petitions for May 3, 2022 Primary Election (2022-15a&b)
   1. Petitions That Appear Valid
   2. Petitions That Appear Questionable

X. State Representative Petitions for May 3, 2022 Primary Election (2022-16)
   1. Petitions That Appear Valid

XI. City of Moraine Council (Ward 2) Petitions for May 3, 2022 Primary Election (2022-17)
   1. Petitions That Appear Valid

XII. Democratic Central Committee Write-In Candidate Petitions for May 3, 2022 Primary Election (2022-18a&b)
   1. Petitions That Appear Valid
   2. Petitions That Appear Invalid

XIII. Executive Session

XIV. Director, Deputy Director, and Board Member Comments

XV. Public Comments

XVI. Announcement of Next Meeting: Tuesday, March 15, 2022 – 8:30 a.m.

XVII. Adjournment

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

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Board Chair

THOMAS A. ROUTSONG
Member

KURT HATCHER
Member

ERIK BLAINE
Member

JEFFERY REZABEK
Director

SARAH GREATHOUSE
Deputy Director

Agenda

Tuesday, March 15, 2022
8:30 AM

I. Call to Order

II. Pledge of Allegiance

III. Motion to Approve March 8, 2022 Board Meeting Minutes

IV. Discussion of the Validity of Petitions
   a) Republican State Central Committee Write-In Candidates

V. Executive Session

VI. Director, Deputy Director, and Board Member Comments

VII. Public Comments

VIII. Announcement of Next Meeting: Monday, May 2, 2022 – 8:30 a.m.

IX. Adjournment

MONTGOMERY COUNTY BOARD OF ELECTIONS

451 W. Third Street
Dayton, OH 45422

phone: (937) 225-5656
fax: (937) 496-7798
www.montgomery.boe.ohio.gov

MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

THOMAS A. ROUTSONG
Member

KURT HATCHER
Member

ERIK BLAINE
Member

JEFFERY REZABEK
Director

SARAH GREATHOUSE
Deputy Director

Agenda

Tuesday, April 12, 2022
3:00 PM

I. Call to Order

II. Pledge of Allegiance

III. Motion to Approve March 15, 2022 Board Meeting Minutes

IV. Motion to Approve Current Bills

V. Board Meeting Calendar Discussion

VI. Motion to Approve the Allocation of Voting Equipment for the May 3, 2022 Primary Election

VII. Executive Session

VIII. Director, Deputy Director, and Board Member Comments

IX. Public Comments

X. Announcement of Next Meeting: Monday, May 2, 2022 – 8:30 a.m.

XI. Adjournment

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BOARD OF ELECTIONS

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Member

KURT HATCHER
Member

ERIK BLAINE
Member

JEFFERY REZABEK
Director

SARAH GREATHOUSE
Deputy Director

Agenda

Monday, May 2, 2022
8:30 AM

I. Call to Order

II. Pledge of Allegiance

III. Motion to Approve April 12, 2022 Board Meeting Minutes

IV. Motion to Approve Current Bills

V. Motion to Approve Remade Absentee Ballots

VI. Executive Session

VII. Director, Deputy Director, and Board Member Comments

VIII. Public Comments

IX. Announcement of Next Meeting: Tuesday, May 24, 2022 at 8:30 AM

X. Recess

MONTGOMERY COUNTY BOARD OF ELECTIONS

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MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

THOMAS A. ROUTSONG
Member

KURT HATCHER
Member

ERIK BLAINE
Member

JEFFERY REZABEK
Director

SARAH GREATHOUSE
Deputy Director

Agenda

Tuesday, May 24, 2022
8:30 AM

I. Reconvene

II. Pledge of Allegiance

III. Motion to Approve Provisional Database

IV. Motion to Approve May 2, 2022 Board Meeting Minutes

V. Motion to Approve Current Bills

VI. Motion to Approve Remade Ballots

VII. Precinct Drawing for Primary Election Audit

VIII. Executive Session

IX. Director, Deputy Director, and Board Member Comments

X. Public Comments

XI. Announcement of Next Meeting: Tuesday, May 27, 2022 at 8:30 AM

XII. Adjournment

MONTGOMERY COUNTY BOARD OF ELECTIONS

451 W. Third Street
Dayton, OH 45422

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APPENDIX 3

MONTGOMERY COUNTY
BOARD OF ELECTIONS

RHINE MCLIN
Board Chair

THOMAS A. ROUTSONG
Member

KURT HATCHER
Member

ERIK BLAINE
Member

JEFFERY REZABEK
Director

SARAH W. GREATHOUSE
Deputy Director

March 11, 2022

David Esrati
100 Bonner St.
Dayton, OH 45410

Re: Public Records Request – 1/13/2022 and 2/15/2022

Dear Mr. Esrati,

I am responding to your records requests on January 13, 2022 regarding Mr. Steve Harsman and your request on February 15, 2022.

At the time of your request of January 13, 2022, Mr. Steve Harsman was still a regular employee at the Montgomery County Board of Elections and had not retired yet. Mr. Harsman officially retired on January 31, 2022. Mr. Harsman has not been rehired for any services post his retirement and has not been paid any additional funds. Lastly, since Mr. Harsman has not been rehired and there does not exist any contracts with him nor any invoices for payment to him since his retirement. The clerk position that Mr. Harsman occupied over the last year will be filled with a new hire by the Deputy Director.

I believe the information that you were requesting with regards to Mr. Harsman was concerning his transition from being Deputy Director to clerk and Ms. Sarah Greathouse being moved from clerk to Deputy Director. Ms. Greathouse was named Deputy Director in March of 2022 and Mr. Harsman was appointed as a clerk. There are no documents of the posting of the position for Deputy Director or for the clerk's position and there were no interviews to my knowledge. As to your request for a "contract", please see the attached "Letter of Agreement" that was signed by Mr. Harsman, Ms. Greathouse, Mr. Mark Owens, Ms. Rhine McLin and Mr. Kurt Hatcher.

Mr. Harsman's annual salary from January 1, 2021 – December 31, 2021 was $154,398.40 and from January 1, 2022 – January 31, 2022 received a salary based on an annual salary of $159,057.60.

The above should satisfy your records request for January 13, 2022 and item #1 from February 15, 2022.

MONTGOMERY COUNTY BOARD OF ELECTIONS
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Item #2 from the February 15, 2022 request can be found on our website, as I indicated in my February 16, 2022 response.

Item #3 from the February 15, 2022 request, as clarified in your February 16, 2022 email refers to our regular Board Meeting on February 14, 2022, see attached the list of bills paid.

Item #4 from the February 15, 2022 request was answered in my February 16, 2022 response to you.

Item #5 from the February 15, 2022 request regarding the minutes of the Board Meeting are not posted but I have attached the last year meeting minutes as requested.

This will have satisfied all of the pending public records requests that you have with my office that I am currently aware of at this time.

Sincerely,

Jeff Rezabek

Jeff Rezabek | Director

MONTGOMERY COUNTY
BOARD OF ELECTIONS
451 W. 3rd Street, Dayton, OH 45422
office 937.225.5656 | direct 937.225.5659
www.montgomery.boe.ohio.gov

APPENDIX 4

Letter of Agreement

This document represents an outline and agreement for the transition of the Deputy Director at the Montgomery County Board of Elections between Steve Harsman and Sarah Greathouse.

After several meetings and discussions, the following parameters have been agreed upon by all parties as indicated by the signatures below:

- Sarah will be appointed Deputy Director at reorganization on March 2, 2021.
- Sarah will have full control as Deputy Director, including all staff, decision making, and duties as outlined in the ORC.
- Steve will not have any supervisory role with employees.
- Steve will not engage in any staff issues and will direct all inquiries from staff directly to Sarah.
- Steve will be reappointed at reorganization on March 2, 2021 as an employee of the Board with current pay and benefits.
- Steve will report directly to the Board Members during this transition plan and will serve as an advisor, trainer and institutional knowledge resource to Sarah and the Board Members.
- Steve will continue to assist Sarah in all aspects of the office as she identifies any needs, vendor relationships and any other area which may be beneficial to the transition.
- Steve will be working remotely from home and will be available for assistance in any manner Sarah or the Board may need during this transition period.
- Steve will work in the office upon agreement during periods needed or requested by Sarah.
- Steve will provide historical knowledge, experience and proofing which may be needed for any projects.
- Steve will be eligible during this plan for any benefit, time accrual, board action, increase that is provided to employees.
- Steve will use earned time-off from Oct 8, 2021 - Jan 31, 2022. Steve's official retirement date will be Feb 1, 2022.

The purpose of this agreement and transitional plan is to provide an extended period for additional training, institutional knowledge and assistance. The role Steve will play during this period will be a resource to Sarah and the Board. The end goal is to have a successful transition and all items in this agreement is agreed upon in good faith. Steve as stated, will not have a supervisory role, will always act in accordance to this agreement and in the best interest of Sarah and the Board. These terms shall not change unless agreed upon by all parties.

The undersigned agree on this day, November 23, 2020 to adhere to these parameters as outlined within this document.

Steve Harsman

Sarah Greathouse

Mark Owens

[redacted]

Kurt Hatcher