

# THE BOARD OF COUNTY COMMISSIONERS

50 East Columbia Street, 5<sup>th</sup> Floor  
Springfield, Ohio 45501

## CLARK COUNTY, OHIO AGENDA



Source: google images

October 23, 2019

8:30 A.M.

Informal Session

10:00 A.M.

Formal Session

Call to Order

President of County Commission  
Resolution 2019-0652

Pledge to the flag

Approve minutes of the last meeting and  
Dispense with reading of same:

Commissioner McGlothlin

*Review/Action:*

Matters before the Board and Departmental Requests: See attached motions

Staff Notes:

8:30 TCC – Access Management Plan  
Review Agenda  
County Administrator Updates  
Strategic Plan Updates  
Calendar/Event Updates

10:00 Formal Session  
Public Hearing – Rezoning Case Z-2019-07

The Board of County Commissioners, in and for Clark County, Ohio, met this 23<sup>rd</sup> day of October, 2019 in regular session, pursuant to adjournment, in accordance with Section 121.22 O.R.C. (Sunshine Law), with the following members present, viz:

Melanie F. Wilt

Richard L. Lohnes

Lowell R. McGlothlin

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**Resolution 2019-0653**  
**BDDC file**

**Authorize Purchase Agreement Between  
Board of Clark County Commissioners on behalf of Developmental Disabilities of Clark County, the  
Community Improvement Corporation, Midland Properties, Inc. and Maustoll Holdings, LLC**

Commissioner \_\_\_\_ moved, per the request of the Superintendent of Developmental Disabilities of Clark County to authorize the following purchase agreement:

**Agreement Between:** Board of Clark County Commissioners on behalf of Developmental Disabilities of Clark County, the Community Improvement Corporation, Midland Properties, Inc. and Maustoll Holdings, LLC

**In the amount of:** \$1,915,000.00

**Purpose:** Sale of property at 110 and 50 West Leffel Lane, Springfield, Ohio 45506.

Further move to authorize the County Administrator to execute the MOU and related documents.

Commissioner \_\_\_\_ seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner McGlothlin, Commissioner Lohnes, Commissioner Wilt,

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I, Megan Burr, Clerk to the Board of County Commissioners, do hereby certify that the above is a true and correct copy of a motion as recorded in the Journal of the Clark County Commissioners, under the date of October 23, 2019.

Megan Burr, Clerk

copy: County Auditor  
County Administrator  
Requesting Department(s)

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Lowell R. McGlothlin

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**Resolution 2019-0654**  
**JFSG file**

**Accept Grant Agreement with  
Ohio Attorney General's Office-Victim of Crime Act (VOCA) Grant**

Commissioner \_\_\_\_ moved, per the request of the Department of Job and Family Services Director, to accept the following:

**Grantor:** Ohio Attorney General Office – Crime Victims  
**Amount Funding:** \$200,110.40  
**Purpose:** Grant requires a 20% match of \$41,415.80 for a total budget of 241,526.20. Grant will fund salary and benefit costs for 1 FTE clerical support specialist and 1 FTE case manager. Contracts for on-site mental health services and PR/publication materials, office supplies, training and membership dues.  
**Effective Dates:** October 1, 2019 through September 30, 2020

Further move to authorize the County Administrator to execute the grant and related documents.

Commissioner \_\_\_\_ seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner McGlothlin, Commissioner Lohnes, Commissioner Wilt,

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**Resolution 2019-0655**  
**JUVG file**

**Accept Grant Agreement with  
Ohio Attorney General's Office – Crime Victims**

Commissioner \_\_\_\_ moved, per the request of the CASA Director (Juvenile Court), to accept the following:

**Grantor:** Ohio Attorney General Office – Crime Victims  
**Amount Funding:** VOCA – 33,274.33  
SVAA - \$2,411.00  
**Purpose:** The VOCA/SVAA grant funds the position of Volunteer Coordinator with the Juvenile Court CASA Program.  
**Effective Dates:** October 1, 2019 through September 30, 2020

Further move to authorize the County Administrator to execute the grant and related documents.

Commissioner \_\_\_\_ seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner McGlothlin, Commissioner Lohnes, Commissioner Wilt,

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**Resolution 2019-0656**  
**PERO file**

**Authorize Benefits, Retirement Fair**

Commissioner \_\_\_\_ moved to authorize the purchase of food, door prizes, and related items for the employee benefits, retirement fair subject to availability of funds and in accordance with Ohio Revised Code Section 5101.23, and pursuant to Auditor of State Bulletin 2003-005 and Attorney General Opinion 82-006.

The Board finds this is a proper public purpose.

Commissioner \_\_\_\_ seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner McGlothin, Commissioner Lohnes, Commissioner Wilt,

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**Resolution 2019-0657**  
**COMO file**

**Change Date, Time and Location of Commission Meeting**

Commissioner \_\_\_\_ moved to change the date, time and location of the regularly scheduled Wednesday, December 4, 2019 to Tuesday, December 3, 2019. The informal and formal sessions will begin at 9:00 a.m. The meeting will be held at NTPRD Chiller, 301 West Main Street, Springfield, Ohio 45504.

Commissioner \_\_\_\_ seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner McGlothlin, Commissioner Lohnes, Commissioner Wilt,

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**Resolution 2019-0658**  
**TRSR file**

**Acknowledge Treasurer's Investment Reports**

Commissioner \_\_\_\_ moved to acknowledge the receipt of the Treasurer's July 31, 2019, August 31, 2019, and September 30, 2019 Investment Report.

Commissioner \_\_\_\_ seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner McGlothlin, Commissioner Lohnes, Commissioner Wilt,

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**Resolution 2019-0659**  
**VETR file**

**Acknowledge Report from  
Veteran's Office**

Commissioner \_\_\_\_ moved to acknowledge receipt of the Memorial Day Expense Report per Section 307.66 of the Ohio Revised Code.

Commissioner \_\_\_\_ seconded the motion and the roll being called for its passage, the vote resulted as follows:

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Lowell R. McGlothlin

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**Resolution 2019-0660**  
**UTLP file**

**Approve Payment to  
Stevenson Utilities Construction, LLC**

Commissioner \_\_\_\_ moved, per request of the Utilities Director, to approve the following payment:

**Payment to:** Stevenson Utilities Construction, LLC  
**Address:** PO Box 2617, 2856 Upper Valley Pike, Springfield, Ohio 45501  
**Services:** Installation Sewer Force Main  
**Project:** Mud Run Sewer Force Main Emergency Repair  
**Funding Source(s):** Utilities Southwest Sewer Replacement Reserve, Southwest Sewer Cap Improvement Reserve, and Sewer District Reserve Funds  
**Amount:** \$228,093.42

Commissioner \_\_\_\_ seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner McGlothlin, Commissioner Lohnes, Commissioner Wilt,

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Lowell R. McGlothlin

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**Resolution 2019-0661**  
**FINB file**

**AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$3,000,000 FOR THE PURPOSE OF REFUNDING (I) BONDS ISSUED IN 2009 FOR THE PURPOSE OF CONSTRUCTING VARIOUS CAPITAL IMPROVEMENTS, AND (II) BONDS ISSUED IN 2010 FOR THE PURPOSE OF REFUNDING CERTAIN PREVIOUS ISSUES OF THE COUNTY; AND AUTHORIZING AND APPROVING RELATED MATTERS**

Commissioner \_\_\_\_ moved to adopt the following:

**WHEREAS**, the County of Clark, Ohio (the “County”) has previously issued its \$5,755,000 General Obligation (Limited Tax) Various Purpose Bonds, Series 2009, dated June 9, 2009 (the “Outstanding 2009 Bonds”), for the purpose of constructing various capital improvements; and,

**WHEREAS**, the County has previously issued its \$2,455,000 General Obligation (Limited Tax) Taxable Human Services Improvement Refunding Bonds, Series 2010, dated September 30, 2010 (together with the Outstanding 2009 Bonds, the “Outstanding Bonds”), for the purpose refunding certain previous issues of the County; and,

**WHEREAS**, in view of currently prevailing lower interest rates the Board has determined that it is advisable and in the best interest of the County to issue refunding bonds of the County to refund all, or a portion, of each issue comprising the Outstanding Bonds (the “Refunded Bonds”); and,

**WHEREAS**, the Auditor of the County (the “Auditor”) has certified to this Board that the maximum maturity of the Bonds cannot exceed the respective maximum maturities of each issue comprising the Refunded Bonds; and,

**WHEREAS**, it is now deemed necessary to issue and sell not to exceed \$3,000,000 of the Bonds for the purpose described in the title of this Resolution under authority of the general laws of the State of Ohio, including Ohio Revised Code Chapter 133, and in particular Section 133.34 thereof;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of the County of Clark, State of Ohio, that:

**Section 1. Issuance of Bonds.** It is hereby declared necessary to issue bonds of the County for the purpose described in the title of this Resolution in the principal sum of not to exceed \$3,000,000 or such lesser amount as shall be determined by the Auditor and certified to this Board, which bonds shall be designated “County of Clark, Ohio Refunding Bonds, Series 2019,” or as otherwise designated by the Auditor in the Certificate of Fiscal Officer provided for in Section 3 herein (the “Bonds”). The Bonds may be issued in one or more series.

**Section 2.** Terms of Bonds. The Bonds shall be issued as fully registered bonds in such denominations as shall be determined by the Auditor, but not exceeding the principal amount of Bonds maturing on any one date; shall be numbered consecutively from R-1 upward, as determined by the Auditor; and shall have such final terms as shall be determined by the Auditor and set forth in the Certificate of Fiscal Officer provided for in Section 3 herein.

**Section 3.** Certificate of Fiscal Officer Relating to Terms of Bonds. The Auditor is hereby authorized and directed to execute on behalf of the County a Certificate of Fiscal Officer Relating to Terms of Bonds (the "Certificate of Fiscal Officer") setting forth the aggregate principal amount and the final terms of the Bonds, which aggregate principal amount and terms, subject to the limitations set forth in this Resolution, shall be as determined by the Auditor. The Certificate of Fiscal Officer shall indicate the dated date for the Bonds, the dates on which interest on the Bonds is to be paid (the "Interest Payment Dates"), the purchase price for the Bonds (which shall be not less than 97% of the aggregate principal amount thereof), the maturity schedule for the Bonds (provided that the final maturity date of the Bonds shall not exceed December 1, 2029), the interest rates for the Bonds (provided that the true interest cost for all Bonds in the aggregate shall not exceed 5.00% per annum), the optional and mandatory redemption provisions, if any, and such other terms not inconsistent with this Resolution as the Auditor shall deem appropriate.

**Section 4.** Interest on the Bonds. The Bonds shall be issued with interest payable annually or semiannually, as determined by the Auditor, on each Interest Payment Date until the principal sum is paid or provision has been duly made therefor as shall be set forth in the Certificate of Fiscal Officer. Interest shall be calculated on the basis of a 360-day year of twelve 30-day months unless otherwise determined by the Auditor.

**Section 5.** Redemption Provisions of the Bonds. The Bonds shall be subject to optional and mandatory redemption prior to stated maturity as provided in the Certificate of Fiscal Officer. If optional redemption of the Bonds at a redemption price exceeding 100% is to take place on any date on which a mandatory redemption of the Bonds of the same maturity will take place, the Bonds to be redeemed by optional redemption shall be selected by the Bond Registrar (as defined hereinbelow) prior to the selection of the Bonds to be redeemed at par on the same date.

When partial redemption is authorized, the Bond Registrar shall select Bonds or portions thereof by lot within a maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Bond so selected shall be in the amount of \$5,000 or any integral multiple thereof unless otherwise determined by the Auditor.

The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. From and after the specified redemption date interest on the Bonds (or portions thereof) called for redemption shall cease to accrue. Such notice shall be sent by first class mail at least 30 days prior to the redemption date to each registered holder of the Bonds to be redeemed at the address shown in the Bond Register (as defined hereinbelow) on the 15th day preceding the date of mailing. Failure to receive such notice or any defect therein shall not affect the validity of the proceedings for the redemption of any Bond.

**Section 6.** Form and Execution of the Bonds. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Resolution. The Bonds shall be executed by the Auditor and not less than two of the County Commissioners of the County (the "County Commissioners"), in their official capacities, provided that any of their signatures may be a facsimile. No Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Resolution unless and until a certificate of authentication, as printed on the Bond, is signed by the Bond

Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued and delivered under this Resolution and is entitled to the security and benefit of this Resolution. The certificate of authentication may be signed by any officer or officers of the Bond Registrar or by such other person acting as an agent of the Bond Registrar as shall be approved by the Auditor on behalf of the County. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Bonds.

**Section 7.** Payment of the Bonds. The principal of and interest on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Bonds shall be payable upon presentation and surrender of the Bonds at the principal office of the Bond Registrar. Each Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register at the address appearing therein.

Any interest on any Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each Bondholder, at such Bondholder's address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section, each Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

**Section 8.** Appointment of Bond Registrar. The Auditor is hereby authorized and directed to serve as authenticating agent, bond registrar, transfer agent, and paying agent (collectively, the "Bond Registrar") for the Bonds or to execute on behalf of the Board a Bond Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Auditor and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as Bond Registrar for the Bonds. If at any time the Bond Registrar shall be unable or unwilling to serve as such, or the Auditor in such officer's discretion shall determine that it would be in the best interest of the County for such functions to be performed by another party, the Auditor may, and is hereby authorized and directed to, enter into an agreement with a national banking association or other appropriate institution experienced in providing such services to perform the services required of the Bond Registrar hereunder. Each such successor Bond Registrar shall promptly advise all bondholders of the change in identity and new address of the Bond Registrar. So long as any of the Bonds remain outstanding, the County shall cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions hereof, the person in whose name any Bond shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Bond shall be made

only to or upon the order of that person. Neither the County nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Bond, upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Bonds of the same form and of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The County and the Bond Registrar shall not be required to transfer or exchange (i) any Bond during a period beginning at the opening of business 15 days before the day of mailing of a notice of redemption of Bonds, and ending at the close of business on the day of such mailing, or (ii) any Bonds selected for redemption, in whole or in part, following the date of such mailing.

In all cases in which Bonds are exchanged or transferred hereunder, the County shall cause to be executed and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Resolution. The exchange or transfer shall be without charge to the owner; except that the County and the Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The County or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Bonds. All Bonds issued upon any transfer or exchange shall be the valid obligations of the County, evidencing the same debt, and entitled to the same benefits under this Resolution, as the Bonds surrendered upon that transfer or exchange.

**Section 9.** Book-Entry System. For purposes of this Resolution, the following terms shall have the following meanings:

“Book-entry form” or “book-entry system” means a form or system under which (i) the beneficial right to payment of principal of and interest on the Bonds may be transferred only through a book-entry and (ii) physical Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Bonds “immobilized” in the custody of the Depository, and the book-entry is the record that identifies the owners of beneficial interests in those Bonds.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book-entry system to record beneficial ownership of securities and to effect transfers of securities in book-entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

All or any portion of the Bonds may be initially issued to a Depository for use in a book-entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Resolution: (i) there shall be a single Bond of each maturity; (ii) those Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners

in book-entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Bonds in book-entry form shall be shown by book-entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book-entry; and (v) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the County. Bond service charges on Bonds in book-entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Bonds as provided in this Resolution.

The Bond Registrar may, with the approval of the County, enter into an agreement with the beneficial owner or registered owner of any Bond in the custody of a Depository providing for making all payments to that owner of principal and interest on that Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Resolution, without prior presentation or surrender of the Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the County. That payment in any event shall be made to the person who is the registered owner of that Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar shall furnish a copy of each of those agreements, certified to be correct by the Bond Registrar, to other paying agents for Bonds and to the County. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Resolution.

If requested by a Depository, the Auditor and the County Commissioners, or any of them individually, are each authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the County, an agreement among the County, the Bond Registrar and such Depository to be delivered in connection with the issuance of the Bonds to such Depository for use in a book-entry system.

The County may decide to discontinue use of the book-entry system through the Depository. In that event, Bond certificates will be printed and delivered to the Depository.

If any Depository determines not to continue to act as the Depository for the Bonds for use in a book-entry system, the County and the Bond Registrar may attempt to establish a securities depository/book-entry relationship with another qualified Depository under this Resolution. If the County and the Bond Registrar do not or are unable to do so, the County and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Bonds from the Depository and authenticate and deliver bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing and delivering definitive Bonds), if the event is not the result of action or inaction by the County or the Bond Registrar, of those persons requesting such issuance.

**Section 10.** Debt Service Levy. There shall be and is hereby levied annually on all the taxable property in the County, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt

Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same fall due. Notwithstanding the foregoing, if the County determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the County shall appropriate such funds to the payment of the Bonds in accordance with law.

**Section 11.** Sale of the Bonds. The Bonds shall be sold to such purchaser (the “Original Purchaser”) as the Auditor shall designate in the Certificate of Fiscal Officer, at the purchase price set forth in the Certificate of Fiscal Officer, plus interest accrued, if any, to the date of delivery of the Bonds to the Original Purchaser. The Auditor, County Administrator (the “County Administrator”), and the County Commissioners, or any of them individually, are each authorized, if necessary, to execute on behalf of the County a bond purchase agreement, term sheet, or similar document with the Original Purchaser, setting forth the conditions under which the Bonds are to be sold and delivered, which agreement shall be in such form, not inconsistent with the terms of this Resolution, as the Auditor shall determine.

**Section 12.** Escrow Fund and Verification; Escrow Agreement. There is hereby created and established, as an account within the Bond Retirement Fund of the County, a trust fund to be designated “County of Clark – 2019 Refunding Bonds Escrow Fund” (the “Escrow Fund”), or as otherwise designated by the Auditor, which account may be in the custody of a bank or trust company as escrow trustee, if desired. The proceeds from the sale of the Bonds, except the accrued interest thereon, and premium thereon, if any, shall be deposited in the Escrow Fund, along with such funds, if any, as the Auditor may transfer from the bond retirement fund. Such moneys deposited in the Escrow Fund may be (i) held as cash or (ii) used to purchase direct obligations of or obligations guaranteed as to payment by the United States of America of such maturities and interest payment dates and bearing interest at such rates as will, as certified by such independent public accounting firm as shall be acceptable to the Auditor and the Original Purchaser without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom, be sufficient to pay the interest on, and the redemption price (including any redemption premium) of, the Refunded Bonds on the earliest optional redemption dates for the Refunded Bonds. The Auditor or County Administrator are also authorized, if necessary or desirable, to facilitate the refunding of the Refunded Bonds, to engage a consultant to verify the sufficiency of the cash or other obligations held in the Escrow Fund to refund the Refunded Bonds on such redemption dates.

Any accrued interest received from the sale of the Bonds shall be transferred to the bond retirement fund to be applied to the payment of the principal of and interest on the Bonds, or other obligations of the County, as permitted by law. Any premium received from the sale of the Bonds may be used to pay the financing costs of the Bonds within the meaning of Ohio Revised Code Section 133.01(K) or be deposited into the bond retirement fund, including the Escrow Fund contained therein, in the manner provided by law.

The Auditor or County Administrator are hereby authorized to execute on behalf of the County an Escrow Agreement (the “Escrow Agreement”) with a bank or trust company to be selected by the Auditor or the County Administrator (the “Escrow Trustee”), setting forth the terms by which the Escrow Fund shall be held and disbursed, if such officials determine that an Escrow Agreement is necessary or beneficial to facilitate the refunding of the Refunded Bonds. Such an Escrow Agreement shall be in such form, not inconsistent with this Resolution, as the Auditor or County Administrator shall determine.

**Section 13.** Federal Tax Law Compliance. The Board hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Bonds is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Bonds so that the Bonds

will not constitute “private activity bonds” within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the “Code”). The Board further covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the “Regulations”).

The Auditor, the County Commissioners and any other officer of this Board, or any of them individually, are each hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Board with respect to the Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Auditor, which action shall be in writing and signed by the Auditor, any of the County Commissioners or any other officer of this Board, on behalf of the Board; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Board, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds; and (c) to give an appropriate certificate on behalf of the Board, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Board pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Board regarding compliance by the Board with Sections 141 through 150 of the Code and the Regulations.

The Auditor shall keep and maintain adequate records pertaining to the use and investment of all proceeds of the Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the County to comply with any federal law or regulation now or hereafter having applicability to the Bonds that relates to the use of such proceeds, which limits the amount of Bond proceeds which may be invested on an unrestricted yield or requires the County to rebate arbitrage profits to the United States Department of the Treasury. The Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Bonds requires any such reports or rebates.

**Section 14.** Transcript of Proceedings; Execution of Additional Documents. The officer having charge of the minutes of the Board and any other officers of the Board or the County, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Bonds and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Board relating to the power and authority of the County to issue the Bonds and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Clerk of the Board and a no-litigation certificate of not less than two of the County Commissioners and the Auditor, and such certified copies and certificates shall be deemed representations of the County as to the facts stated therein. Except for the procedure for authenticating the Bonds set forth in Section 6 herein, documents (including this Resolution) executed, scanned and transmitted electronically and electronic and digital signatures shall be deemed original signatures for said transcript of the Bonds, for the purposes of this Resolution, and for all matters related thereto, with any such scanned, electronic, and digital signatures having the same legal effect as original signatures.

The members of this Board, the Auditor, County Administrator, and any other officer of the County are hereby authorized and directed to take such action (including, but not limited to, hiring such professionals and consultants as may be needed to facilitate the issuance of the Bonds) and to execute and



deliver, on behalf of the Board, such additional instruments, agreements, certificates, offering documents, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Resolution. Such documents shall be in the form not substantially inconsistent with the terms of this Resolution, as they in their discretion shall deem necessary or appropriate.

**Section 15.** Appointment of Bond Counsel and Municipal Advisor. The Board hereby approves the appointments of the law firm of Bricker & Eckler LLP to serve as Bond Counsel and Bradley Payne Advisors, LLC to serve as a municipal advisor to the County with respect to the issuance of the Bonds. The respective fees to be paid to such firms shall be subject to review and approval by the Auditor and shall not exceed the fees customarily charged for such services.

**Section 16.** Satisfaction of Conditions for Bond Issuance. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make them legal, valid and binding obligations of the County have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the County are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Bonds.

**Section 17.** Compliance with Open Meeting Requirements. It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Revised Code Section 121.22.

**Section 18.** Filing of Bond Resolution. The Clerk of the Board of is hereby directed to forward a certified copy of this Resolution to the Auditor.

**Section 19.** This Resolution shall take effect and be in force at the earliest date permitted by law.

Commissioner \_\_\_\_ seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner McGlothin, Commissioner Lohnes, Commissioner Wilt,

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I, Megan Burr, Clerk to the Board of County Commissioners, do hereby certify that the above is a true and correct copy of a motion as recorded in the Journal of the Clark County Commissioners, under the date of October 23, 2019.

Megan Burr, Clerk

copy: County Auditor  
County Administrator  
Requesting Department(s)

The Board of County Commissioners, in and for Clark County, Ohio, met this 23<sup>rd</sup> day of October, 2019 in regular session, pursuant to adjournment, in accordance with Section 121.22 O.R.C. (Sunshine Law), with the following members present, viz:

Melanie F. Wilt

Richard L. Lohnes

Lowell R. McGlothlin

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**Resolution 2019-0662**  
**TRAV file**

**Approve Travel/Expense Allowance**

Commissioner \_\_\_\_ moved, per request of the following Department Director(s) or Elected Official(s) to approve the following travel allowances.

<b>Dept.</b>	<b>Name</b>	<b>Purpose</b>	<b>Place</b>	<b>Date</b>	<b>Cost</b>
Comm Dev	E. Harris, J. A. Dietz A. Pequignot	Housing Conference	Springfield, OH	11/8/19	\$ 75.00
Veterans	C. Baker, J. Bolen D. Mitchell	Veterans Summit	Columbus, OH	11/21/19	\$165.00
Veterans	C. Wood	Veteran Community	Dayton, OH	10/24/19	\$ 35.00

Further move reimbursements shall comply with all requirements of the Travel Policy as adopted in the Personnel Manual.

Commissioner \_\_\_\_ seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner McGlothlin, Commissioner Lohnes, Commissioner Wilt,

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I, Megan Burr, Clerk to the Board of County Commissioners, do hereby certify that the above is a true and correct copy of a motion as recorded in the Journal of the Clark County Commissioners, under the date of October 23, 2019.

Megan Burr, Clerk

copy: County Auditor  
County Administrator  
Requesting Department(s)

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Melanie F. Wilt

Richard L. Lohnes

Lowell R. McGlothlin

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**Resolution 2019-0663**  
**ZBTH file**

**10:00 a.m. Public Hearing for Rezoning Case Z-2019-07  
filed by Berner Real Estate Investments, LLC in Bethel Township**

This is the date and time set by the Board of County Commissioners, Clark County, Ohio, to hold a public hearing on the proposed rezoning case Z-2019-07 being 3.74 acres located west of 127 Quick Road, New Carlisle, Ohio (PID# 010-05-00027-000-106) from current A-1 (Agricultural District) to I-1 (Industrial District) for an industrial warehouse development.

Public Hearing opened by the Commission President at \_\_\_ a.m.

Staff Report:

Audience Comments:

The Public Hearing was closed by the Commission President at \_\_\_ a.m.

Commissioner \_\_\_ moved to \_\_\_ rezoning case Z-2019-07 as presented.

Commissioner \_\_\_ seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner McGlothlin, Commissioner Lohnes, Commissioner Wilt,

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I, Megan Burr, Clerk to the Board of County Commissioners, do hereby certify that the above is a true and correct copy of a motion as recorded in the Journal of the Clark County Commissioners, under the date of October 23, 2019.

Megan Burr, Clerk

copy: County Auditor  
County Administrator  
Requesting Department(s)

The Board of County Commissioners, in and for Clark County, Ohio, met this 23<sup>rd</sup> day of October, 2019 in regular session, pursuant to adjournment, in accordance with Section 121.22 O.R.C. (Sunshine Law), with the following members present, viz:

Melanie F. Wilt

Richard L. Lohnes

Lowell R. McGlothlin

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**Resolution 2019-0664**  
**ISDC file**

**Authorize Memorandum of Agreement (MOA) Between  
Board of County Commissioners and the Ohio Secretary of State**

Commissioner \_\_\_\_ moved to authorize the following MOU:

**MOU with:** Ohio Secretary of State  
**Purpose:** Intrusion Detection Software  
**Effective Date(s):** October 23, 2019

Further move to authorize the County Administrator to execute the MOA and related documents.

Commissioner \_\_\_\_ seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner McGlothlin, Commissioner Lohnes, Commissioner Wilt,

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I, Megan Burr, Clerk to the Board of County Commissioners, do hereby certify that the above is a true and correct copy of a motion as recorded in the Journal of the Clark County Commissioners, under the date of October 23, 2019.

Megan Burr, Clerk

copy: County Auditor  
County Administrator  
Requesting Department(s)