

AGENDA

Wayne County Commissioners' Regular Session of March 9, 2011

- Pledge of Allegiance to the Flag
- Call to Order & Roll Call of Commissioners Present
- Approval of Agenda
- Public Remarks
- Approval of minutes of Regular Session held March 2, 2011
- Approval of minutes from Meetings and/or Hearings held March 2 – March 8, 2011

Date	Res.#	Resolution Title
3/9	2011-109	County Bills Approval
3/9	2011-110	County Home Bills Approval
3/9	2011-111	Appropriation of Funds Authorization
3/9	2011-112	Personnel Change Approval
3/9	2011-113	Travel Expense Approval
3/9	2011-114	Adoption of Chippewa Township Comprehensive Plan
3/9	2011-115	Authority to Enter into an Amended Agreement with Point & Pay for the Acceptance of Payments by Financial Transaction Devices
3/9	2011-116	Approval of Contract Change Order #1 with Jess Howard Electric Company, Inc. for Construction of the FAA Supported AIP Project: Rehabilitate Runway 10-28 Lighting
3/9	2011-117	Approval of Memorandum of Agreement with the City of Wooster Regarding Hillcrest
3/9	2011-118	A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN AN AGGREGATE PRINCIPAL AMOUNT OF \$966,000 TO PAY THE PROPERTY OWNERS' PORTION, IN ANTICIPATION OF THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS, AND PART OF THE COUNTY'S PORTION, OF THE COST OF ACQUIRING, CONSTRUCTING, EQUIPPING, INSTALLING AND OTHERWISE IMPROVING SANITARY SEWER FACILITIES AND OTHER RELATED PROPERTY OF AND FOR WAYNE COUNTY SANITARY SEWER DISTRICT NO. 11-7, 30 (WOOSTER-KILLBUCK SOUTH DISTRICT), BY CONSTRUCTING A PUMP STATION AND FORCE MAIN, CONSTRUCTING AND INSTALLING A METERING SYSTEM, AND CONSTRUCTING AND INSTALLING GRAVITY SEWERS TO TRANSPORT WASTEWATER FROM THE BATDORF/SCENIC HEIGHTS AREA TO THE CITY OF WOOSTER'S SEWAGE TREATMENT PLANT, TOGETHER WITH ALL INCIDENTAL WORK AND RELATED APPURTENANCES AND THE ACQUISITION OF ANY REAL PROPERTY OR INTEREST THEREIN REQUIRED THEREFOR.

Resolution

No. 2011-109

Board of Wayne County Commissioners

Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: March 9, 2011

Subject: **County Bills Approval**

It was moved by Mr. Carmichael and seconded by Mr. Wiggam that the following resolution be adopted:

Computer run dated **March 8, 2011** for County Bills in the amount of **\$208,531.33**, Interagency Transaction/Payment **batch #2008 & 2007** in the amount of **\$98,713.94** and the taxable travel reimbursements in the amount of **\$-0-** are hereby approved for payment.

The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

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


Diane L. Austen, Clerk

Resolution

No. 2011-110

Board of Wayne County Commissioners
Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: March 9, 2011

Subject: **County Home Bills Approval**

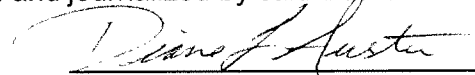
It was moved by Mr. Carmichael and seconded by Mr. Wiggam that the following resolution be adopted:

Computer run dated **March 8, 2011** for County Home Bills in the amount of **\$47,990.04** and the Interagency Transaction/Payment **batch #2010** in the amount of **\$2,185.00** are hereby approved for payment.

The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

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



Diane L. Austen, Clerk

Resolution

No. 2011-111

Board of Wayne County Commissioners
Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: March 9, 2011

Subject: **Appropriation of Funds Authorization**

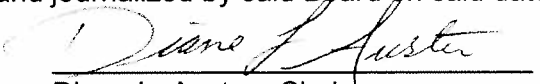
It was moved by Mr. Carmichael and seconded by Mr. Wiggam that the following resolution be adopted:

Department	Amount	To the Appropriation
Commissioners	\$20,218.00	T060-T06 AIP Grant 1810 Project Expenses
To account for addition to the 1810 grant requested by the Airport Authority and approved by the FAA as it is within the requirements of the current lighting improvement project		

The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

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



Diane L. Austen, Clerk

Resolution

No. 2011-112

Board of Wayne County Commissioners
Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: March 9, 2011

Subject: **Personnel Change Approval**


It was moved by Mr. Carmichael and seconded by Mr. Wiggam that the following resolution be adopted:

Department	Name	Title	Pay Rate	Effective Date	Status
Care Center	Cathey Meyer	Chaplain		2/25/2011	resigned
Care Center	Rufus Thompson	Chaplain		3/15/2011	rehired
Care Center	Crystal Osborn	LPN		2/23/2011	Unsatisfactory prob.
Care Center	Rachel Sexton	STNA		2/24/2011	Unsatisfactory prob.
Care Center	Alan Lehman	Dietary Aide		3/13/2011 & retroactive to 1/1/2011	Rate increased to equal minimum wage
Dispatch	Joshua Raymond	Communications Officer		3/5/2011	Resigned
Dispatch	Joshua Glessner	Dispatcher		3/13/2011	p/t to f/t
Dispatch	Lynne Feller	Communications Supervisor		2/28/2011	Retired
Humane Society	Jennifer L. Miller	Deputy Dog Warden / Humane Agent		2/22/2011	New Hire
Humane Society	Amanda N. Ison	Deputy Dog Warden / Humane Agent		2/22/2011	New Hire
Job & Family	Lori Jones			3/21/2011	FMLA start date
Job & Family	Judy Smedley			2/7/2011	FMLA end date

The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

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


Diane L. Austen, Clerk

Resolution

No. 2011-113

Board of Wayne County Commissioners
Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: March 9, 2011

Subject: **Travel Expense Approval**

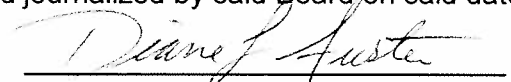
It was moved by Mr. Carmichael and seconded by Mr. Wiggam that the following resolution be adopted:

Dept./Person	Where	Date	Reg.	Travel	Travel (taxable)	Seminar, Conf., Mtg., etc.
Auditor/Treasurer						
Jarra Underwood, Bev Shaw	Columbus	3/16/2011		20.00		OCCO luncheon
Engineer						
Terry Vorhies	Cleveland	3/28-31/2011	1,395.00		36.00	Autocad Civil 3D-2011
Eric Liew	Cleveland	3/28-31/2011	1,395.00		36.00	Autocad Civil 3D-2011
Job & Family						
Matthew Long	Newark	3/24-25/2011	99.00	172.30		OH Council on Welfare Fraud
Donn Aukerman	Berlin	3/1/2011	25.00			Canton Dist. Dir. Assoc. Mo. Mtg.

The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

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



Diane L. Austen, Clerk

Resolution

No. 2011-114

Board of Wayne County Commissioners

Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: March 9, 2011

Subject: **Adoption of Chippewa Township Comprehensive Plan**

It was moved by Mr. Carmichael and seconded by Mr. Wiggam that the following resolution be adopted:

WHEREAS, on May 12, 2010 Chippewa Township approved a Comprehensive Plan for their township; and

WHEREAS, the Wayne County Planning Commission voted to certify the Comprehensive Plan with a request that the Board of Wayne County Commissioners adopt the Comprehensive Plan for the unincorporated area of Chippewa Township; and

WHEREAS, Ohio Revised Code Section 713.25 enables a board of county commissioners to adopt a plan for the unincorporated areas of the county after a public hearing; and

WHEREAS, the Board of Wayne County Commissioners held a Public Hearing on Wednesday, March 2, 2011 at 9:00AM after a thirty-day notice; and

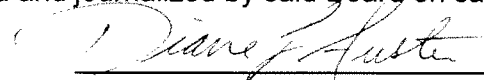
WHEREAS, there was no opposition presented at the Public Hearing;

NOW, THEREFORE, BE IT RESOLVED that the Board of Wayne County Commissioners hereby adopts the Chippewa Township 2011 Comprehensive Plan and authorizes the Wayne County Planning Department to deposit a copy of the Plan with the County Recorder.

The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

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



Diane L. Austen, Clerk

Resolution

No. 2011-115

Board of Wayne County Commissioners
Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: March 9, 2011

Subject: **Authority to Enter into an Amended Agreement with Point & Pay for the Acceptance of Payments by Financial Transaction Devices**

It was moved by Mr. Wiggam and seconded by Mr. Carmichael that the following resolution be adopted:

WHEREAS, this Board followed the requirements of RC 301.28 by approval of Resolution 2007-352; and

WHEREAS, the Treasurer agreed to administer the solicitation of proposals for financial transaction devices; and

WHEREAS, proposals were reviewed by the Treasurer and Prosecuting Attorney;

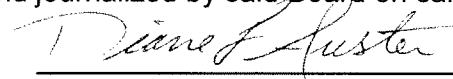
NOW, THEREFORE, BE IT RESOLVED that the Board of Wayne County Commissioners is authorized to enter into an amended agreement to accept payments with financial transaction devices with the following with authorization granted to the President of the Board to execute the Amended Agreement.

Point & Pay
(A Vesta Company)
280 Patterson Road
Haines County, FL 33844

The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

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



Diane L. Austen, Clerk

Resolution

No. 2011-116

Board of Wayne County Commissioners
Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: March 9, 2011

Subject: **Approval of Contract Change Order #1 with Jess Howard Electric Company, Inc. for Construction of the FAA Supported AIP Project: Rehabilitate Runway 10-28 Lighting**

It was moved by Mr. Carmichael and seconded by Mr. Wiggam that the following resolution be adopted:

WHEREAS, a contract was awarded September 1, 2010 to Jess Howard Electric Company, Inc. in strict accordance with ORC and Federal Aviation Administration (FAA) requirements; and

WHEREAS, the Wayne County Airport Authority has reviewed the project and requested this change order; and

WHEREAS, an FAA grant and local funds have been anticipated for this increase;

NOW, THEREFORE, BE IT RESOLVED by the Board of Wayne County Commissioners that contract change order #1 be executed as follows with authority granted to the President of the Board to execute the necessary documents.

Name: Jess Howard Electric Company, Inc.
 6630 Taylor Rd.
 Blacklick, OH 43004

Purpose: Necessary revision to bypass existing manhole and install new conduit to the runway as a correction to as-built drawing

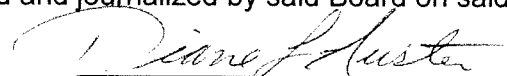
Addition: \$20,218.00
New Total: \$669,585.55

Effective Date: 3/9/2011

The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

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



Diane L. Austen, Clerk

Resolution

No. 2011-117

Board of Wayne County Commissioners
Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: March 9, 2011

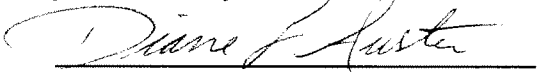
Subject: **Approval of Memorandum of Agreement with the City of Wooster Regarding Hillcrest**

It was moved by Mr. Carmichael and seconded by Mr. Wiggam that the Memorandum of Agreement with the City of Wooster involving Hillcrest is hereby approved. (see attachment A)

The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

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



Diane L. Austen, Clerk

Memo

To: Wayne County Commissioners
From: Robert F. Breneman, Mayor, City of Wooster
Date: March 8, 2011
Re: Hillcrest Contract-Memorandum of Agreement

Gentlepersons:

Following upon our meeting of March 7, 2011 we have prepared a Memorandum of Agreement which reflects the understanding at which we arrived as a result of that meeting. The terms thereof appear below.

1. Wayne County will not be subject to any rate increases from the date of commencement of construction of the Hillcrest Pump Station/Force Main until the conclusion of two (2) calendar years thereafter (the “amnesty period”). Upon commencement of such construction, the County will cause written notice thereof to be delivered to City’s director of administration.
2. At the conclusion of the amnesty period Wayne County will be subject to the same percentage rate increases as city customers.
3. At the conclusion of the amnesty period, Wayne County will, in addition to the ordinary rate increases referenced in ¶2, pay an additional increase of three percent (3%) per year until its percentage rate of increases has become equalized with that of city customers.
4. Wayne County will pay one hundred twenty percent (120%) of the city rate. The city rate includes a minimum charge based upon meter size, as well as actual usage charges. Additionally, it will pay the actual cost for high-strength surcharges (in the event such discharges occur). A copy of City’s current rate structure is attached hereto.
5. Wayne County will be responsible for the initial purchase, repair and replacement of its meter.
6. City will waive any tap and equity charges for this contract (valued at approximately \$60,000.00).

7. With respect to the unincorporated area served by the Hillcrest Contract, Wayne County will cooperate with the City in the processing of any petitions for the annexation of all or any portion of the area so served.
8. Wayne County will comply with the City's Sewer Rules and Regulations, as codified in the Wooster City Ordinances (Chapters 923 and 924).
9. Upon ratification of a Hillcrest Sewer contract by both Wayne County and the City, Wayne County will support the City's current proposal for the 201 Facilities Planning Area.
10. No later than five (5) years following the execution of this Memorandum Agreement, the parties will endeavor to negotiate an agreement establishing a rate structure for the Madisonburg sewer district. In the event the parties are unable to do so within the designated timeframe, the parties will submit the matter to arbitration, with the cost thereof to be evenly shared by the parties.
11. Wayne County will obtain all necessary permits or approvals to facilitate the construction contemplated in this contract. Additionally, it will pay all costs associated with connection to the City's sewer system, including the force main necessitated thereby. The City will bear any costs associated with improvements to its infrastructure-if necessary-to accept the flow from the Hillcrest area.
12. Wayne County will provide adequate areas for the sampling and testing of effluent coming from the Hillcrest pumping station.
13. The City will comply with all regulations-OEPA or otherwise-for the treatment of waste from the Hillcrest pumping station.
14. The parties agree that the terms of this contract may be reviewed every ten (10) years from the date of execution thereof, subject to the following contingencies: (1) the party desiring such a review must give written notice to the other at least thirty (30) days in advance of the ten-year anniversary; or (2) in the event that annexation of all or any part of the Hillcrest area occurs, the parties will submit to such a review immediately upon finalization of the annexation by the City, and without regard to the ten-year term.

Executed by the parties hereto, the city of Wooster, Ohio and Wayne County, at
Wooster, Ohio on this ____ day of March 2011.

The city of Wooster, Ohio

Wayne County Commissioners

By: _____

Robert F. Breneman, Mayor

By: _____

Ann M. Obrecht, President

By: _____

Scott S. Wiggam

By: _____

James Carmichael

Resolution

No. 2011-118

Board of Wayne County Commissioners

Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: March 9, 2011

Subject: A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN AN AGGREGATE PRINCIPAL AMOUNT OF \$966,000 TO PAY THE PROPERTY OWNERS' PORTION, IN ANTICIPATION OF THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS, AND PART OF THE COUNTY'S PORTION, OF THE COST OF ACQUIRING, CONSTRUCTING, EQUIPPING, INSTALLING AND OTHERWISE IMPROVING SANITARY SEWER FACILITIES AND OTHER RELATED PROPERTY OF AND FOR WAYNE COUNTY SANITARY SEWER DISTRICT NO. 11-7, 30 (WOOSTER-KILLBUCK SOUTH DISTRICT), BY CONSTRUCTING A PUMP STATION AND FORCE MAIN, CONSTRUCTING AND INSTALLING A METERING SYSTEM, AND CONSTRUCTING AND INSTALLING GRAVITY SEWERS TO TRANSPORT WASTEWATER FROM THE **BATDORF/SCENIC HEIGHTS AREA** TO THE CITY OF WOOSTER'S SEWAGE TREATMENT PLANT, TOGETHER WITH ALL INCIDENTAL WORK AND RELATED APPURTENANCES AND THE ACQUISITION OF ANY REAL PROPERTY OR INTEREST THEREIN REQUIRED THEREFOR.

It was moved by Mr. Carmichael and seconded by Mr. Wiggam that the following resolution be adopted:

WHEREAS, pursuant to Chapter 6117 of the Revised Code, this Board created Wayne County Sanitary Sewer District No. 11-7, 30 (Wooster-Killbuck South District) ("District No. 11-7, 30") by a resolution adopted on June 23, 1965, and this Board approved a general plan of sewage disposal for District No. 11-7, 30 by a resolution adopted on November 12, 1969;

WHEREAS, Final Findings and Orders were issued to the County by the Director of the Ohio Environmental Protection Agency (the "EPA Orders") with respect to wastewater improvements required to be made by the County for the preservation and promotion of the public health and welfare in an unincorporated area of the County known as the Batdorf/Scenic Heights area and more particularly described in Resolution No. 2010-160 adopted by this Board on April 7, 2010 (the "Batdorf/Scenic Heights Area"), and in furtherance of the EPA Order, this Board entered into an agreement with the City of Wooster (the "City"), dated February 25, 2009 (the "Agreement"), wherein the City has agreed to furnish wastewater treatment services to the County for wastewater collected in the Batdorf/Scenic Heights Area by County sewers, force mains and pumping stations and delivered by the County to the City's sewers as identified in that Agreement, and that upon completion of the wastewater improvements in the Batdorf/Scenic Heights Area, the City will operate and maintain those improvements on behalf of the County and will impose and collect all necessary fees and charges from the users of the facilities serving the Batdorf/Scenic Heights Area;

WHEREAS, pursuant to Section 6117.06 of the Revised Code and by Resolution No. 2010-160 adopted on April 7, 2010, this Board expanded District No. 11-7, 30 to include the Batdorf/Scenic Heights Area and by Resolution No. 2010-161 adopted on April 7, 2010, this Board amended the general plan for District No. 11-7, 30 to include construction of wastewater system improvements in the Batdorf/Scenic Heights Area;

WHEREAS, for the purpose of preserving, protecting and promoting the public health and welfare, and in furtherance of the EPA Order and the Agreement, this Board has previously, by proper legislation, declared the necessity of and determined to proceed with the acquisition, construction, equipping, installation and otherwise improving of sanitary sewer facilities and other related property of and for District No. 11-7, 30, by constructing a pump station and force main, constructing and installing a metering system, and constructing

and installing gravity sewers to transport wastewater from the Batdorf/Scenic Heights Area to the City's sewage treatment plant, together with all incidental work and related appurtenances and the acquisition of any real property or interest therein required therefor (the "Batdorf Project");

WHEREAS, the County has received commitments from the United States of America, acting by and through the United States Department of Agriculture (the "Federal Government"), for a loan in the amount of \$966,000 (the "USDA Loan") and a grant in the amount of \$643,000 (the "USDA Grant"), each of which will be applied by the County to pay costs of the Batdorf Project, and this Board has determined to authorize the issuance and sale to the Federal Government of limited tax, general obligation bonds of the County in the aggregate principal amount of \$966,000 (the "Bonds"), to evidence the USDA Loan; and

WHEREAS, the County Auditor, as fiscal officer of this County, has certified to this Board that the estimated life or period of usefulness of the Batdorf Project is at least five years and the maximum maturity of the Bonds described in Section 2 is 40 years;

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

Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Resolution, unless the context or use clearly indicates another or different meaning or intent:

"Act" means Chapter 133 of the Revised Code, together with Sections 9.98 through 9.983 and 6117.25 of the Revised Code.

"Auditor" means the County Auditor of the County.

"Authorized Denominations" means the denomination of \$100 or any integral multiple thereof.

"Board" means the Board of County Commissioners of the County.

"Bond Register" means all books and records necessary for the registration, exchange and transfer of the Bonds as provided in Section 6.

"Bond Registrar" means, initially, the Auditor acting as the bond registrar, transfer agent and paying agent for the Bonds as provided in Section 6.

"Bond Service Charges" means the principal (as payable at stated maturity or by redemption), interest and any redemption premium required to be paid by the County on the Bonds, and includes any mandatory sinking fund requirements.

"Closing Date" means March 23, 2011, or any other date agreed to by this Board and the Federal Government, but such date shall not be later than October 1, 2011.

"Interest Payment Dates" means March 1 of each year that the Bonds are outstanding, commencing on March 1, 2012, or such date established by this Board and the Federal Government as set forth in the Bonds.

"Loan Resolution" means Resolution No. 2010-416 adopted by the Board on September 15, 2010, authorizing the County's incurrence of the USDA Loan and providing preliminarily for the sale of the Bonds to the Federal Government.

"Registered Holder" means each person in whose name a Bond is registered on the Bond Register.

The captions and headings in this Resolution are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses

hereof. Reference to a Section or paragraph means a section or paragraph of this Resolution unless otherwise indicated.

Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. It is necessary and determined to be in the County's best interest to issue bonds of this County in the aggregate principal amount of \$966,000 to pay the property owners' portion, in anticipation of the levy and collection of special assessments, and part of the County's portion, of the cost of the Batdorf Project. The Bonds shall be issued pursuant to the Act and this Resolution.

The proceeds from the sale of the Bonds shall be allocated and deposited into the proper fund or funds, and those proceeds are hereby appropriated and shall be applied to pay costs of the Batdorf Project, including without limitation, costs of issuance of the Bonds.

Section 3. Findings in Respect of the Loan Resolution. This Board hereby finds, determines and declares that the period of usefulness of the Batdorf Project will be at least 40 years from the Closing Date; and further finds, determines, declares, ratifies and confirms its acceptance of the USDA Loan and the USDA Grant and all actions of County officials and others relating to the application for and acceptance thereof, including all actions of any and all County officials relating thereto.

Section 4. Terms of the Bonds.

(a) Designation, Form and Numbering. The Bonds shall be designated as "County of Wayne, Ohio, Sanitary Sewer System Improvement Bonds, Series 2011". The Bonds shall be issued in fully registered form only, shall be transferable and exchangeable for other Bonds in the manner and on the terms provided herein, shall be numbered as determined by the Auditor in order to distinguish each Bond from any other Bond, and the Bond Service Charges on the Bonds shall be payable in lawful money of the United States of America. The Bonds shall be negotiable instruments and shall express upon their faces the purpose for which they are issued and that they are issued pursuant to the Act and this Resolution. The Bonds shall be issued in printed, typewritten or other manuscript form as may be requested by the Federal Government as the original purchaser thereof.

(b) Denomination and Dates. The Bonds shall be issued in one lot and only as fully registered bonds in Authorized Denominations but in no case as to a particular maturity date exceeding the principal amount maturing on that date, provided, however, that because the Bonds are being purchased by the Federal Government, a single Bond in the aggregate principal amount stated in Section 2 and with installments payable in the amounts and on the dates set forth in this Section may be issued to the Federal Government to represent the Bonds in lieu of serial bonds. The Bonds shall be dated as of their date of issuance.

(c) Interest and Place of Payment. The aggregate principal amount of the Bonds outstanding from time to time, which shall be equal to the aggregate installments of purchase price paid by the Federal Government to the County from time to time pursuant to Section 5 hereof, shall bear interest at the rate of four and twenty-five one-hundredths percent (4.25%) per year, calculated on the basis of a 365-day year and actual number of days elapsed. Interest shall be payable on each Interest Payment Date until the outstanding principal amount of the Bonds is paid. Installments of principal and interest on each Bond shall be payable by check or draft mailed to the Registered Holder at the address shown on the Bond Register; provided that the final payment of all unpaid principal and interest shall be payable when due upon presentation and surrender of the Bond at the office of the Auditor.

(d) Principal Payment Schedule. The Bonds shall be due and payable on March 1 in the years and in the principal amounts as follows (or in such other years and principal amounts as set forth in the Bond signed and authenticated pursuant to this Resolution and delivered on the Closing Date):

Year	Amount	Year	Amount
2014	\$11,000	2033	\$23,000
2015	11,000	2034	24,000
2016	12,000	2035	25,000
2017	12,000	2036	26,000
2018	13,000	2037	28,000
2019	13,000	2038	29,000
2020	14,000	2039	30,000
2021	14,000	2040	31,000
2022	15,000	2041	33,000
2023	15,000	2042	34,000
2024	16,000	2043	35,000
2025	17,000	2044	37,000
2026	18,000	2045	39,000
2027	18,000	2046	40,000
2028	19,000	2047	42,000
2029	20,000	2048	44,000
2030	21,000	2049	46,000
2031	22,000	2050	47,000
2032	23,000	2051	49,000

(e) Redemption Provisions. The Bonds shall be subject to redemption on or after March 1, 2022, in whole or in part, in integrals of \$100, in inverse order of maturity, on any date on or after March 1, 2021, at their par value plus accrued interest to the date fixed for redemption; provided, however, that any Bonds registered in the name of the Federal Government may be redeemed in whole or in part at any time in inverse order of principal maturity without premium. Notice of redemption, identifying Bonds or portions thereof, to be called, shall be mailed by certified mail to the Registered Holders thereof not less than 30 days prior to the date of redemption, upon which redemption date all interest upon the Bonds, or portions thereof, so called shall cease, except for those as to which there is a default in the payment of the redemption price.

Any Bonds purchased for cancellation shall be purchased at a price not exceeding the lesser of their face amount or fair market value.

(f) Execution. The Bonds shall be signed by at least two members of this Board and the Auditor, in the name of the County and in their official capacities, provided that any or all of those signatures may be a facsimile. Any authority, officer or board which hereafter succeeds, by operation of law, to the powers and duties of any such officer, position or authority shall be deemed included in the applicable official designation while having such powers and duties.

(g) Authentication. No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the proceedings authorizing the Bonds unless and until the certificate of authentication printed on that 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, signed and delivered under, and is entitled to the security and benefit of, the proceedings authorizing the Bonds. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar. The same person need not sign the certificate of authentication on all of the Bonds.

Section 5. Award and Sale of Bonds. The Bonds are hereby awarded and sold to the Federal Government at a purchase price of par plus any accrued interest, on the terms provided for herein, and the Auditor is hereby authorized and directed to authenticate and deliver the Bonds and take all actions in connection therewith. The Federal Government shall pay the purchase price of the Bonds in one or more installments, such installments to be noted by the Federal Government on a schedule attached to the Bonds. The Commissioners, or any of them, the County Administrator, the Auditor, the Treasurer, the Prosecutor, the Clerk and other County officials, as appropriate, each are authorized and directed to sign any transcript

certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Resolution.

Section 6. Registration; Transfer and Exchange; Lost, Stolen or Destroyed Bonds.

(a) Register and Bond Registrar. So long as any of the Bonds remain outstanding, the County will cause to be maintained and kept, at the office of the Auditor or such other place as may be designated by the Board, the Bond Register, and the Auditor shall act as the Bond Registrar for the Bonds; provided, however, that in lieu thereof, the Auditor is hereby authorized to enter into an agreement with a financial institution to perform the duties of the Bond Registrar, and the Bond Register may be kept at another office designated by that Bond Registrar. In that event, arrangements shall be made to provide for payment for the services rendered, together with the reimbursement of expenses, pursuant to an agreement with the Bond Registrar and from funds lawfully available and appropriated or to be appropriated for that purpose. In the event that the Auditor does not initially serve as Bond Registrar and another person is selected to serve as Bond Registrar, the Board shall make that selection prior to the signing, authentication and delivery of the Bonds.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the Registered Holder or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the office of the Bond Registrar together with an assignment signed by the Registered Holder or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the Registered Holder equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the County are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the County. In all cases of Bonds exchanged or transferred, the County shall sign, and the Bond Registrar shall authenticate and deliver, Bonds in accordance with the provisions of the proceedings authorizing the Bonds. The exchange or transfer shall be without charge to the Registered Holder, except that the County and 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 the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the County, evidencing the same debt, and entitled to the same security and benefit under this Resolution as the Bonds surrendered upon that exchange or transfer. Neither the County nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Lost, Stolen or Destroyed Bonds. If the Registered Holder of any Bond claims that such Bond has been lost, destroyed or wrongfully taken, the Bond Registrar is authorized to cause to be executed and delivered a new Bond (hereinafter sometimes referred to as a "replacement bond") of like tenor and effect (specifying on its face, however, that it is issued in place of the original Bond) in place of the original Bond, in accordance with and subject to the provisions of Section 1308.41 of the Revised Code and of this Section. The Registered Holder's notification and request pursuant to Section 1308.41 shall be in writing, addressed to the Bond Registrar, and shall include evidence satisfactory to the Bond Registrar, of such loss, destruction or wrongful taking and of the Registered Holder's ownership. The Bond Registrar is authorized to approve, so long as it is satisfactory to such officer, the indemnity bond that the Registered Holder shall file with the Bond Registrar as a condition to the issuance of the replacement bond, and such officer is further authorized to impose other reasonable requirements, including a requirement that the Registered Holder pay the reasonable expenses and charges of the County in connection with the issuance, execution and delivery of such replacement bond, as conditions to the delivery of the replacement bond.

Section 7. Security and Pledge. There shall be levied on all the taxable property in the County, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the Bond Service Charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation provided by law, shall be and is 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 those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the bond retirement fund, which is irrevocably pledged for the payment of the Bond Service Charges on the Bonds when and as the same fall due; provided that, in each year to the extent the income from the levy of special assessments is available for the payment of the Bond Service Charges on the Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of the income so available and appropriated. All special assessments collected for the Batdorf Project, and any unexpended balance remaining in the improvement fund for the Batdorf Project, after the cost and expenses thereof have been paid, shall be used for the payment of the Bond Service Charges on the Bonds until paid in full and shall be used for no other purpose.

Section 8. Governing Law. The provisions of this Resolution are subject to the laws of the State of Ohio and to the present and future regulations of the Federal Government not inconsistent with the express provisions hereof so long as it is a Registered Holder.

Section 9. Severability. Each section of this Resolution and each subdivision of any section is hereby declared to be independent and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Resolution.

Section 10. Compliance with Loan Resolution. As long as the Federal Government is a Registered Holder, this Resolution shall be subject, to the extent permitted by and not in conflict with the Constitution and laws of the State of Ohio, to the Loan Resolution.

Section 11. Satisfaction of Conditions Precedent. It is hereby determined and recited 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 general obligations of the County, have happened, been done and performed in regular and due form and as required by law and that no limitation of indebtedness, either statutory or constitutional, will have been exceeded in the issuance of the Bonds.

Section 12. Certification and Delivery of Resolution. The Clerk of the Board is directed to deliver or cause to be delivered a certified copy of this Resolution to the County Auditor.

Section 13. Retention of Bond Counsel. The legal services of Squire, Sanders & Dempsey (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Bonds and the rendering of the necessary legal opinion upon the delivery of the Bonds. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the County in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the County or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services and in paying other financing costs in connection with the Bonds at the direction of the County.

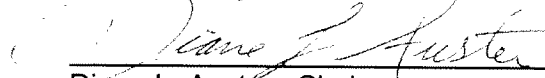
Section 14. Compliance with Open Meeting Requirements. This Board finds and determines that all formal actions of this Board and of any of its committees concerning and relating to the adoption of this Resolution were taken, and that all deliberations of this Board and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

Section 15. Effective Date. This Resolution shall be in full force and effect immediately upon its adoption.

The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

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



Diane L. Austen, Clerk