

IN THE MATTER OF AUTHORIZING REDUCTIONS TO THE 2011 APPROPRIATION BUDGETED AS REQUESTED BY THE COUNTY AUDITOR.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 22nd day of December, 2011.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, Janet Schuler, County Auditor has submitted the following request to the Board of County Commissioners:

December 21, 2011

Board of County Commissioners,

The 2011 Appropriation Budget needs adjusted for the following line items:

DECREASE:

007.0037.537900	Marriage License	- 891.00
010.0010.530900	Expenses	- 455.00
018.0032.531000	Work Project	- 1,440.96
025.0025.530600	Contract Services	- 2,500.00
036.0036.530600	Contract Services	- 200.00
045.0045.530600	Home/Bldg	- 31,585.00
048.0048.538100	County Payment	- 1,755.50
062.0062.530902	Training	- 2,300.00
077.0077.510200	Salary	- 2,422.45
088.0088.500100	Admin	- 29,000.00
088.0088.530600	Private Rehab	-242,360.00
089.0089.535800	Ins Claims	-624,660.31
094.0094.539700	Flex Spending	- 7,535.37
099.0099.530600	Construction	- 1.00
100.0016.530600	Contract Repair	- 2,274.88
120.0016.530600	Contract Service	- 6,636.67
123.0016.530600	Contract Service	- 3,359.90
194.0194.530601	Planning	- 99,750.00
195.0195.531000	Reimb	- 210.50
197.0197.510200	Salary	- 61,660.92
197.0197.530600	Contract Service	-124,700.50
197.0197.530700	Travel	- 6,042.01
197.0197.536700	PERS	- 10,629.00
198.0198.530400	Equipment	- 22,475.00
199.0199.530600	Contract Service	- 21,625.00
240.0240.540100	Principal	- 445.37
508.0058.500100	Gas Rotary	- 4,432.95

Thanks,
s/Janet Schuler
Janet Schuler

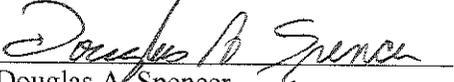
THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio does hereby authorize the County Auditor to make the appropriation budget reductions as requested and listed above.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
22nd day of
December, 2011

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO


_____. *yes*
John N. Bergman


_____. *Yes*
Douglas A. Spencer


_____. *yes*
Don Regula

✓cc: County Auditor – Janet Schuler

**IN THE MATTER OF AUTHORIZING THE PRESIDENT OF THE BOARD TO EXECUTE A
SUBORDINATION AGREEMENT FOR THE BENEFIT OF CHIP RECIPIENT, RHONDA R. WINDLE.**

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 22nd day of December, 2011.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, on June 5th, 2008, Rhonda R. Windle, executed a Mortgage in favor of the Board of Auglaize County Commissioners as the Board authorized the expenditure of CHIP funds in the total amount of \$33,093.00 for the renovations of the property where Rhonda R. Windle now reside in the Township of Duchouquet; and,

WHEREAS, Rhonda R. Windle have now requested the Board to execute a subordination agreement so as to allow her to secure a loan in the amount of \$74,270.00; and,

WHEREAS, the Board finds the request to be reasonable as the appraised value of the property is \$90,967.00.

THEREFORE, BE IT RESOLVED that the Board of Commissioners, Auglaize County, Ohio, does hereby authorize the President of the Board to execute the subordination agreement for the benefit of CHIP recipient Rhonda R. Windle; and,

BE IT FURTHER RESOLVED that a fully executed copy of this agreement be hereto attached and thus become a part of this Resolution.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
22nd day of
December, 2011

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes
John N. Bergman

Douglas A. Spencer, yes
Douglas A. Spencer

Don Regula, yes
Don Regula

Attachment

Cc: Rhonda R. Windle
Jauert & Burton, LLP
CHIP file
Prosecuting Attorney – Ed Pierce
County Recorder – Chris Lambert

IN THE MATTER OF AUTHORIZING THE SECUREMENT OF NOTE FOR THE HARRUFF DITCH IMPROVEMENT FROM FIRST NATIONAL BANK IN NEW BREMEN.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 22nd day of December, 2011.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, on December 1, 2011, in Resolution #11-457 the Board of County Commissioners authorized the securement of interest costs for note in the following amount for the balance of money needed to complete the following ditch improvement:

#11-457 Jacob Ditch project\$ 21,948.82;
and,

WHEREAS, the following quotations were received for the above mentioned note:

**For Harruff Ditch Improvement Project:
First National Bank in New Bremen..... 3.55%**

WHEREAS, the quotation was shared with County Auditor Janet Schuler, for her review and recommendation with said recommendation being to award the ditch note to First National Bank in New Bremen as said bank met the bid requirements for this project.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio does hereby authorize the securement of an eight year (16 semi-annual installments) note in the amount of \$21,948.82 at the rate of interest of 3.55%, from First National Bank in New Bremen for the balance of money needed to complete the payment of the Harruff Ditch project.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the resolution as follows:

Adopted this
22nd day of
December, 2011

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes
John N. Bergman

Douglas A. Spencer, Yes
Douglas A. Spencer

Don Regula, yes
Don Regula

cc: County Engineer, County Auditor, Bidder

IN THE MATTER OF APPROVING LEASES AT THE NEIL ARMSTRONG AIRPORT FOR VARIOUS HANGAR SPACES; RATIFYING THE EXECUTION OF THE LEASES.

The Board of County Commissioners of Auglaize County, Ohio met in special session on the 22nd day of December, 2011.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, at the Auglaize County owned Neil Armstrong Airport, there are various hangars which are rented to numerous companies and individuals by the Auglaize County Airport Authority, designated as Agent for Auglaize County, for non-commercial storage of aircraft and auxiliary incidental uses associated therewith; and,

WHEREAS, the subsequent companies/individuals have entered into twelve (12) month leases, commencing January 1, 2012:

KGS Investments, LLC	\$312.00/month
Michael Schnell	\$156.00/month
Will and Associates	\$312.00/month
Randall & Naomi St. Julian	\$156.00/month
NBO Enterprises	\$500.00/month
Robert L. Schnabel	\$156.00/month
Kenneth Boyd	\$ 92.50/month
Paul LeBlanc	\$105.00/month
Globus Printing	\$346.50/month
Kangero Leasing Corp	\$250.00/month
Ned Koenig	\$156.00/month

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio, does hereby approve and authorize the above mentioned Hangar leases with companies and individuals as listed for airplane hangars as specified in the lease agreements; and,

BE IT FURTHER RESOLVED that said Board ratifies the execution of said lease agreements.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
22nd day of
December, 2011

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman . yes
John N. Bergman

Douglas A. Spencer . yes
Douglas A. Spencer

Don Regula . yes
Don Regula

cc: Sean Stroh - Airport Manager
Todd Kitzmiller - Airport Authority

**IN THE MATTER OF FINDING FOR THE IMPROVEMENT OF THE DOORLEY #2 DITCH PROJECT;
PETITIONED BY MICHAEL AND CYNTHIA SZEKELY; SETTING DATE TO RECEIVE ENGINEER'S
REPORTS ON SAID PROJECT.**

The Board of Auglaize County Commissioners met in regular session on the 22nd day of December, 2011.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, the Board of County Commissioners, in Resolution #11-365, dated September 27, 2011, set, December 15, 2011, for the first hearing of the petition of the Doorley #2 Ditch improvement, the Board met in the Chambers – 2nd Floor at the Auglaize Acres building and conducted the hearing by causing the petition to be publicly read to those present by County Engineer Douglas Reinhart; and,

WHEREAS, the Board finds that due and legal notice has been given in the manner and for the length of time required by law, to all owners of land affected by said improvement; and,

WHEREAS, the Board has made an actual view of the proposed improvement on November 17th, 2011, and has heard either in person or by counsel all evidence offered by any owner of land for or against the granting of the proposed improvement, or for or against the granting of any laterals, branches, spurs, or change of route, course, termini, or manner of construction described in the petition, or any application therefore; and,

WHEREAS, the County Engineer's Preliminary Report has determined that the route and termini of the proposed improvement meets the prayer of the petition and that there are no reasonable alternative routes; and,

WHEREAS, the cost of the proposed improvement is less than the benefits derived.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio, does hereby direct the County Engineer to proceed with the necessary survey for the proposed improvement, plans for the structures, maps showing the location of the land proposed to be assessed, and profiles showing the cuttings and gradient of the improvement, and make an estimate of the cost of the construction of the improvement; which shall include actual construction cost, the cost of engineering, and the cost of notices, publication and other incidental expenses; and set proper construction stakes, and perform such other duties as required by Section 6131.14 of the Ohio Revised Code; and,

BE IT FURTHER RESOLVED that the Board does set **May 3, 2012 at 10:00 a.m.** as the date and time for the filing of the above mentioned County Engineer's Reports.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the resolution as follows:

Adopted this
22nd day of
December, 2011

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman yes
John N. Bergman

Douglas A. Spencer yes
Douglas A. Spencer

Don Regula yes
Don Regula

✓ cc: County Engineer

IN THE MATTER OF APPROVING AN AGREEMENT WITH BONNIE WURST AS AN EDUCATION SPECIALIST FOR THE AUGLAIZE COUNTY SOLID WASTE/RECYCLE DISTRICT; RATIFYING THE EXECUTION OF SAID AGREEMENT. .

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 22nd day of December, 2011.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, pursuant to the Auglaize County Solid Waste District Plan, the Board of County Commissioners are desirous of securing a person to conduct an educational program for recycling and litter prevention within the county; and,

WHEREAS, Solid Waste Coordinator David Reichelderfer reported that having Bonnie Wurst as the Education Specialist for the past few years, has proven to be advantageous in sharing the message about all aspects of recycling and litter prevention with persons of all ages throughout the County; and,

WHEREAS, Bonnie Wurst has agreed to serve another year as the Education Specialist for recycle and litter prevention at the rate of compensation not to exceed \$10,800.00/hourly wage not to exceed \$30.00 per hour; with the agreement to commence on January 1, 2012 and terminating December 31, 2012 or upon expenditure of available funds, whichever occurs first.

THEREFORE, BE IT RESOLVED that the Board of Commissioners, Auglaize County, Ohio, does hereby approve the Education Specialist Agreement by and between Bonnie Wurst, Independent Contractor and the Auglaize County Board of Commissioners as presented to the Board; and,

BE IT FURTHER RESOLVED that said Board ratifies the execution of said agreement.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
22nd day of
December, 2011

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes
John N. Bergman

Douglas A. Spencer, yes
Douglas A. Spencer

Don Regula, yes
Don Regula

cc: ~~Solid Waste Coordinator~~ – David Reichelderfer
~~Bonnie Wurst~~

EDUCATION SPECIALIST AGREEMENT

By and between

BONNIE WURST, INDEPENDENT CONTRACTOR

And the

AUGALIZE COUNTY BOARD OF COMMISSIONERS

This agreement entered into this 23rd day of December 2011, by and between the Auglaize County Board of Commissioners, on behalf of the Auglaize County Solid Waste District, P. O. Box 603, St. Marys, Ohio 45885, hereinafter called the "Board" and Bonnie Wurst, hereinafter called the "Education Specialist."

Whereas, the Board, desires to enter into an Agreement with the Education Specialist for education services in recycling and litter prevention; and

Whereas the Education Specialist does provide professional services in this area for integrated solid waste management; and now, therefore.

Be it agreed by and between the parties hereto as follows:

Scope of Service.

1. Education Specialist agrees to perform the educational services for the county as directed by The Solid Waste Management District Coordinator, hereinafter "coordinator", of Auglaize County.
2. The Education Specialist will perform work to complete presentations and activities for teachers and students in the Auglaize County Schools, County Fair, Camps, special interest groups and any other event, at the request of the Coordinator, to educate the group or organization on recycling and litter prevention. Upon such request, the Education Specialist shall be responsible for all aspects of the presentation including scheduling.
3. The Education Specialist will provide the Coordinator with an updated written schedule of presentations each Monday morning. In the event of cancellation or rescheduling during the current week, the Education Specialist will notify the Coordinator to update the schedule.
4. The Education Specialist will provide the Coordinator with a monthly detailed billing statement, which will list the hours worked in each category of planning and teaching.
5. Subject matter and contents of the presentations will address recycling and litter prevention. The Board reserves the right to review such presentations to determine whether, in the opinion of the Board or its designee, the Coordinator, the results are effective.

6. The Education Specialist must provide the Board with proof that she is maintaining her qualifications as an education specialist by showing proof of attendance at appropriate educational seminars to acquire advance training in the recycling and litter prevention curriculum.

Duration of Agreement.

The Agreement will commence January 1, 2012 and terminate December 31, 2012 or upon expenditure of available funds, whichever occurs first.

In the event the funding for this program is not available from the Auglaize County Solid Waste District, the Board has no further obligation to fund this program and the Agreement shall terminate as set forth in the Termination clause of this Agreement.

Compensation.

The Education Specialist shall be compensated in an amount not to exceed Ten thousand eight hundred dollars (\$10,800.00) for work listed in the scope of services. The Education Specialist will invoice the County on a monthly basis for the hours worked in preparation and presenting. The hourly rate for the Education Specialist shall not exceed thirty dollars (\$30.00) per hour. The Education Specialist shall be responsible for monitoring ongoing billing statements to the Board and shall inform the Board and cease all work under this Agreement once the compensation cap listed above has been met.

The Education Specialist shall be responsible for travel to the locations of the presentations, seminars or activities, and the County will not compensate her for the same. The Education Specialist shall provide all materials and supplies necessary to complete the services under this Agreement, including, but not limited to office space, office supplies, mailing service, telephone access and the educational materials necessary to perform presentations and activities.

Independent Contractor.

The Education Specialist shall at all times be an independent contractor when acting under this Agreement. The Board is concerned with results, and the manner and methods used to achieve the desired results are solely within the Education Specialist's discretion, subject only to the terms of this Agreement and the requirements that state and federal law places upon the parties, and provided that the Education Specialist acts lawfully, fairly, and honorably.

The Education Specialist, as an independent contractor, agrees to assume responsibility for reporting, withholding, and/or paying any taxes as may be incident hereto, including, but not limited to federal, state, and local taxes; and, she hereby releases the Board, its officers, employees, and agents from any and all claims, demands, actions and causes of action

whatsoever as may arise or be attributed to days of service or compensation therefrom, holding and indemnifying the Board its officer, employees, and agents safe and harmless therefrom.

Responsibility of the Board.

The Board, through its Coordinator, may authorize the Education Specialist to participate in any other activity that is related to recycling/litter prevention management or educating and will benefit the interests of the County.

Reporting.

The Education Specialist will work cooperatively with the Board and Auglaize County Solid Waste Management District and upon request, the Education Specialist will provide appropriate reporting regarding education activities listed in the scope of service.

Agreement Modification.

This agreement constitutes the entire agreement between the parties and any changes or modifications to the Agreement shall be by agreement of the parties in writing and attached hereto.

Termination of the Agreement.

The Board may terminate this Agreement immediately, with or without cause, upon written notice to the Education Specialist.

In the event of such termination, any reports or information prepared by the Education Specialist under this Agreement shall, upon written request of the Board, become its property within thirty (30) days of receipt of said written notice. The Education Specialist shall forward the reports and information to the Board and the Education Specialist shall be entitled to receive equitable compensation for any work completed to the satisfaction of the Board.

The obligation to provide service under this Agreement may be terminated by the Education Specialist upon thirty (30) days written notice to the Board in the event of substantial failure by the Board to perform in accordance with the terms hereof through no fault of the Education Specialist.

Notices.

Any and all notices of intent to modify or terminate this Agreement by the Education Specialist shall be mailed to:

Auglaize County Board of Commissioners
209 South Blackhoof St., Room 201
Wapakoneta, Ohio 45895

Any and all notices of intent to modify or terminate this agreement by the Board shall be Mailed to:

Bonnie Wurst
205 East Benton Street
Wapakoneta, Ohio 45895

Hold Harmless/Indemnification.

The Education Specialist will defend, indemnify, protect, save, and hold harmless the Board its officers, employees, agents, and fiduciaries from any and all kinds of loss, claims, expenses, causes of action, costs, damages and other obligations, financial or otherwise, including court costs and attorney fees, arising from the performance under this Agreement, including but not limited to (a) negligent, reckless, or willful and wanton acts, errors, or omissions, including malfeasance, nonfeasance, or misfeasance by the Education Specialist, her agents, employees, licensees, contractors, or subcontractors arising from; (b) the failure of the education specialists, her agents, employees, licenses, contractors, or subcontractors, to observe the applicable standard of care in providing services pursuant to this Agreement; and (c) the intentional misconduct of the Education Specialist, her agents, employees, licenses, contractors or subcontractors that result in injury to persons or damage to property.

This clause shall survive the termination of the Agreement.

Insurance.

The Education Specialist shall be responsible for procuring and maintaining adequate insurance for herself and her employees including but not limited to Workers Compensation insurance and Automobile Liability Insurance.

Severability.

If any provision of this Agreement shall be held to be invalid or unenforceable for any reason the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Agreement is invalid or unenforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

Otherwise the stricken provision or part thereof shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

Counterparts; Captions.

This Agreement may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same Agreement. Captions have been provided herein for the convenience of the reader and shall not affect the construction of this Agreement.

IN WITNESS THERE OF, the parties have executed this instrument on

WITNESS

BONNIE WURST

WITNESS

FOR THE BOARD OF COUNTY
COMMISSIONERS, AUGLAIZE
COUNTY, OHIO.

Esther J. Pfeiffer

John N. Bergman
John N. Bergman, President

Douglas A. Spencer
Douglas A. Spencer

Don Regula
Don Regula

IN THE MATTER OF AMENDING THE ANNUAL APPROPRIATION AS REQUESTED BY THE COUNTY AUDITOR.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 22nd day of December, 2011.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, under date of January 6, 2011, the Annual Appropriation for Auglaize County was accepted, having been prepared with the 2011 Annual Amended Official Certificate of Estimated Resources which was given to the Board of County Commissioners by the County Auditor; and,

WHEREAS, County Auditor Janet Schuler informed the Board that an amendment was made to the Annual Amended Official Certificate for the Ditch Fund (250); Indigent Appl. Fee Fund (048), and Auglaize Acres PA (513); and,

WHEREAS, County Auditor Janet Schuler and Director, Board of Elections, Carolyn Campbell requested that the Board amend the 2011 Annual Appropriation to reflect the following amendments:

- Increase 250 Ditch Notes – by \$65,172.01;**
- Increase 027 Vote Fund – 027.0027.530600 (Contract Services) by \$350.00;**
- Increase 513 Auglaize Acres PS – by \$8,661.30**
- Decrease 048 Indigent Appl. Fee Fund – 048.0048.538000 by \$2,368.69;**

THEREFORE BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio, does hereby order the 2011 Annual Appropriation Resolution be amended to show the changes as tabulated above.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
22nd day of
December, 2011

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes
John N. Bergman

Douglas A. Spencer, yes
Douglas A. Spencer

Don Regula, yes
Don Regula

cc: County Auditor - Janet Schuler
Board of Elections

IN THE MATTER OF AUTHORIZING BUDGET ADJUSTMENTS.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 22nd day of December, 2011.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, the Board has been requested to authorize budget adjustments as follows: and,

Ditch Rotary Fund:

Amount:	From:	To:
\$ 15.58	640.0640.503200	640.0640.540200

Kah Sewer Fund:

Amount:	From:	To:
\$ 0.02	241.0241.535900 (Transfer Out)	241.0241.540100 (Principal)

Probate Court Fund:

Amount:	From:	To:
\$ 7,375.00	001.0207.510200 (Salary)	001.0205.510200 (Salary)

THEREFORE BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio, does hereby authorize the budget adjustments to show the changes as tabulated above.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
22nd day of
December, 2011

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes
John N. Bergman

Douglas A. Spencer, Yes
Douglas A. Spencer

Don Regula, yes
Don Regula

cc: County Auditor
✓ Judge Spees