

**IN THE MATTER OF THE AUGLAIZE COUNTY COMMISSIONERS ADOPTING AND APPROVING
THE AUGLAIZE COUNTY REVOLVING LOAN FUND (RLF) GUIDELINES.**

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 29th day of December, 2011.

Commissioner Spencer moved the adoption of the following:

RESOLUTION

WHEREAS, the Auglaize County Board of Commissioners has been presented guidelines for the Auglaize County Revolving Loan Fund (RLF); and,

WHEREAS, the State of Ohio, Department of Development, has recognized the positive impact on community development initiatives when the use of program income is locally determined; and,

WHEREAS, the State of Ohio, Department of Development, has permitted the establishment of Revolving Loan Funds within local political subdivisions to meet the primary development goals of: 1) improving the affordable housing stock; and 2) providing for the affordable housing needs of low-and moderate-income persons in designated areas served by the Revolving Loan Fund.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners does adopt and approve the Auglaize County Revolving Loan Fund (RLF) Guidelines and this plan shall be effective the 1st day of January, 2012; and,

BE IT FURTHER RESOLVED, a copy of said guidelines are attached and made a part hereof.

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

Adopted this
29th 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: Anchor Financial Services

Auglaize County Revolving Loan Fund (RLF)

Guidelines

Approved by:

Auglaize County Board of Commissioners 12-29-11
Date

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AUGLAIZE COUNTY REVOLVING LOAN FUND (RLF) PLAN

PART I: RLF GEOGRAPHIC AREA AND CREATION OF EDF COMMITTEE

A. RLF Geographic Area

The geographic area for the Auglaize County RLF consists of all properties within the boundaries of Auglaize County, outside the city limits of Wapakoneta and St. Mary's. Certain circumstances regarding the limits of these boundaries may constitute a review by the RLF Board.

B. Revolving Loan Fund Committee Members

The members of the RLF Committee ("Committee") shall be responsible for administering the RLF. The members of the Committee are, by statute, appointed by the Auglaize County Commissioners. In making appointments to said Committee, the Commissioners shall attempt to obtain a broad representation of the overall community.

PART II: PROGRAM ELEMENTS

The RLF has been designed to address the following economic development problems:

1. Recognizing that job creation and retention have been identified as the number one priority in Auglaize County, the Fund shall operate in such a manner as to provide new job opportunities for the citizens of Auglaize County, or to retain existing employment opportunities for the citizens of Auglaize County. Specifically, maximum effort must be expended to provide opportunities for low-moderate-income (LMI) residents of Auglaize County;
2. The lack of infrastructure in certain areas of Auglaize County, which prohibits potential business expansion and start-up projects;
3. The retention of existing businesses and industries who, for various reasons, are considering relocation or termination of operations;
4. The inability of lenders to participate as sole lender in particular start-ups or expansions;
5. Certain businesses and industry may experience locational cost differentials between Auglaize County and other areas, which require consideration in order for them to locate, or remain, in the County.

A. Statement of Program Goals and Objectives

1. To create and retain permanent private sector job opportunities, principally for persons from LMI households; and
2. To expand and retain business and industry in Auglaize County.

The RLF program for Auglaize County has been established to meet the following goals:

1. To promote new economic development in Auglaize County;
2. To encourage the expansion and stability of the economic base;
3. To encourage increased permanent employment opportunities, particularly for LMI households; and
4. To diversify the Auglaize County economy so that the area is not dependent on just one industry or business sector.

To meet these goals, the RLF will address the following objectives:

1. Stimulate private sector capital information;
2. Stabilize and diversify the Auglaize County economy by providing employers with “necessary or appropriate” capital for start-up and expansion of business/industries;
3. Encourage and assist with small business development;
4. Encourage and assist with the redevelopment of blighted and/or vacant land and/or facilities for productive business/industrial use;
5. Encourage and assist business/industrial concerns owned by minorities, women, handicapped persons, or economically disadvantaged persons; and
6. Coordinate with other local and regional economic development activities and organizations to the greatest extent possible.

The Auglaize County RLF will attempt to provide financing assistance by various methods, which may include, but not be limited to, the following:

1. Loan subordination; or
2. Lower interest rates; or
3. Fixed interest rates; or
4. Extended loan terms; or
5. Loan repayment deferrals.

These methods will be incorporated into overall financing packages, which will accomplish the goals and objectives of the RLF.

The RLF, when appropriate, may provide direct grants to public or quasi-public entities to provide for infrastructure improvements, which will allow a business or industry to proceed with a project, which will meet the goals and objectives of the RLF. The RLF

will obtain prior approval from the Ohio Department of Development Office of Housing and Community Partnerships (OHCP) prior to providing direct grant assistance.

B. Identification of Financing Problems

In order to meet the program goals and objectives, the RLF will attempt to provide financial assistance to business and industry, which will overcome deficiencies in the local private financial sector, such as:

1. The reluctance of area lenders to undertake ventures of unusual risk;
2. The lack of appropriate rate and/or long-term financing opportunities from financial institutions, particularly during certain economic cycles;
3. The desire of some financiers to share risks with other parties on particular projects;
4. The need to provide a local financial mechanism for economic development, in light of project declines in state and federal funding levels; and
5. The need to provide financing for certain portions of an economic development project for which private conventional financing is usually not available (i.e. off-site improvements).

The RLF will provide the minimum financing, or the portion of the project financing, required to complement the conventional financing resources to permit a business/industry to proceed with a project otherwise not feasible.

C. Targeting Criteria

To meet the RLF program goals, objectives and identified needs, all private, for-profit or business and industrial concerns located and operating within the geographic boundaries of the RLF area are eligible for participation in the RLF program. Participation eligibility in the program is primarily based on this location requirement; however, changing conditions may result in the targeting of RLF funds to meet economic needs of more specific locations, sectors of the local economy or target population groups.

D. Standards for a RLF Project

- 1a. Fixed asset loans for the start-up of new businesses, the expansion of existing businesses or the conduct of current business. Fixed asset loans may include the acquisition and/or improvement of land, buildings, machinery and equipment, including new construction or renovation of existing facilities, demolition and site preparation. (Loan terms shall not exceed the life of the asset).
- b. Working capital loans for the start-up of new businesses, the expansion of existing businesses or the conduct of current businesses. Working capital loans may include all non-fixed asset items necessary for normal business operations (except salaries and fringe benefits) including, but not limited to: non-capital equipment, raw materials, inventory and non-depreciable equipment. (Working capital loans

will be limited to 30 percent of the RLF program income portfolio unless specifically approved by OHCP).

2. Eligible loan activities include provision of "necessary or appropriate" RLF financial assistance or purposes, which result in private sector job creation/retention, stimulate private investment, and contribute to the economic development or stabilization of the area.
3. The RLF may also provide direct grants to public or quasi-public entities to provide for infrastructure improvements, which will allow a business or industry to proceed with a project, which will meet the goals and objectives of the RLF. These grants will normally be for off-site infrastructure improvements or on-site improvements in cases where a public or quasi-public agency owns the land prior to transfer to a private business under an existing development agreement.
4. Ineligible loan activities, or uses of RLF funds, include the following:
 - a. Financing of existing debts and training costs;
 - b. Financing of a project that involves the relocation of an industry or business from one area of the state of Ohio to another. Upon approval by the state, exceptions may be made only if:
 - i. the relocation of the industry or business will demonstrate additional long-term job creation; and/or
 - ii. the industry or business will demonstrate, to the satisfaction of the state, that the operation of such industry or business cannot be continued in the existing location.
 - c. Financing of speculative projects or buildings; and
 - d. Financing of speculative activities, such as land banking.
5. Each loan should produce at least one (1) new or retained permanent, full-time equivalent job for each \$25,000 of RLF program investment for loans, and \$10,000 of RLF program investment for grants.
6. At a minimum, at least 51% of the permanent, full-time equivalent employment opportunities created or retained must be made available to persons from LMI households. Job creation attributable to RLF funds must take place within twenty-four (24) months of project completion.
7. For every dollar of CDBG/RLF funds included as part of financing packages, at least \$1.00 of other funds must be injected into that project. Private sector dollars may include, but are not limited to, funds from private financing, from other lenders (i.e. banks, investment companies, etc.), other private firms, or private investment on the part of the borrower as a result of the RLF loans. This ratio must be followed for each loan.

8. Eligible applicants for financial assistance will include private, for-profit business and industrial concerns. Such concerns may be:
 - a. new companies/expansion/retention;
 - b. owned locally or outside the RLF area, but with facilities located within the RLF area;
 - c. businesses locating a facility near, but outside, the boundaries of Auglaize County; where the overwhelming preponderance of evidence is that by providing assistance to a firm located outside of Auglaize County, a substantial number of Auglaize County residents will benefit from the project.
9. No applicant will be denied a loan on the basis of race, color, national origin, religion, age, handicap or sex.
10. The program must be assured that required financing is not available through other sources, and that, without RLF program involvement, the project will not proceed and employment opportunities will not be created/retained as planned. This assurance will be obtained through credit analysis of the applicant's financial capacity and by obtaining one or both of the following items:
 - a. written applicant certification of financial need; and/or
 - b. written lender certification of the applicant's financial need.

Each of these standards is directly related to a specific goal and/or objective as stated in Part II A of this Plan. These standards may, however, be changed with approval from OHCP as area needs are met and/or developed.

E. Financing Policies and Techniques

1. The RLF will not make loans for less than \$25,000. The maximum loan, under normal circumstances, will be \$500,000. Considerations above or below this amount must be specifically approved by OHCP and/or the Auglaize County RLF Committee.
2. In addition to those ineligible activities stated in Part II D (4) of these guidelines, projects that will not be considered for financing assistance by the RLF are those that:
 - a. attempt to finance historically uncompetitive or unsuccessful ventures;
 - b. involve ventures that offer little in the way of development benefits or employment opportunities;
 - c. have unresolved environmental problems;
 - d. do not have proper patent rights, licenses, permits, certification, etc. in advance of commencement of operation;

- e. have a history of Civil Rights violations or unfair labor practices;
 - f. cannot demonstrate the ability to repay the loan;
 - g. are not willing to offer equal opportunity in the employment of women and minorities;
 - h. are not current with local, state and federal taxes;
 - i. cannot be justified as a "necessary or appropriate" use of RLF funds; except where grant assistance is provided in accordance with this plan;
 - j. are intra-family transactions;
 - k. involve illegal activities; and/or
 - l. are residential.
3. Typically, 5% - 10% of the project costs must be furnished by the principal(s) of the applicant company as equity infusion. For individual loans, additional equity may be required (i.e. for a business start-up).
 4. The interest rate to be charged by the RLF program will be dependent upon the financial analysis of the project.
 5. The RLF program financing will be offered for a term determined to be necessary or appropriate, but no longer than the life of the asset financed.
 6. The RLF program will normally require an equal monthly repayment schedule of the term of the loan. Alternative loan repayment schedules may be developed where circumstances warrant.
 7. A penalty of 5% of the monthly payment will be required for any payment fifteen (15) or more days past due.
 8. To meet the financial and credit needs of a business/industry, the special financing techniques offered to the borrower may include, but are not limited to, the following:
 - a. deferral of principal and/or interest payments for up to two (2) years;
 - b. subordination of loans to primary and secondary lenders; and/or
 - c. "balloon" payments at the end of a shortened term, thereby requiring a re-evaluation of the borrower's financing needs at the end of the stated term.

These types of techniques may be applied where the financial analysis determines that special loan/payment terms are necessary for the project to proceed.

9. RLF Program Loan Security

- a. All RLF loans must be secured with a mortgage, security agreement, promissory note, financing statement or other assignment of rights in the assets of the assisted firm, and/or the personal assets of the owner(s), to sufficiently protect the RLF loan amount.
 - b. To the maximum extent possible, all loans will be additionally secured by personal guarantees of owners with 20% or greater ownership for project completion and for loan repayment.
 - c. In the event Auglaize County determines it is necessary or desirable to take actions to protect or further the interests of the RLF, the Committee may take actions to sell, collect, liquidate or otherwise recover on loans extended by the RLF, in accordance with the legal rights of the RLF borrower, other lenders, and other appropriate parties.
10. The loan agreement between Auglaize County and the borrower will stipulate that the loan may be called, and the borrower found in default, if the business/industry should move its operation from the geographic boundaries of the RLF area during the term of the loan.
 11. All applicants for assistance from the RLF program will be required to file a formal application with the Committee. The Committee will require sufficient information to assure that the project is feasible, that RLF financing is "necessary or appropriate" and that the project will go forward if assistance is provided.
 12. The Committee will provide the necessary administrative services for implementation of the RLF program. Administrative costs may be reimbursed from the program income returned to the RLF. To the maximum extent possible, principal payments will be returned to the RLF for future loans. However, up to 20% or \$50,000, whichever is less, of the total program income earned within a calendar year, may be utilized for administrative expenses related to managing the RLF.
 13. The borrower may be required to bear the following costs:
 - a. legal counsel, accounting services, surveys, appraisals, environmental reviews and any other fees associated with preparation and filing of the application;
 - b. an application fee of \$250.00 to cover application processing and other related project costs.
 14. To the maximum extent possible, the Committee will identify and direct the applicant to other applicable programs offered by federal, state and local authorities. The RLF loan administrator and business should investigate these programs.
 15. The RLF program will require that any business receiving assistance will provide the Committee with whatever information and access to the business that is necessary in order to determine that funds have been properly expended and that projected accomplishments have been achieved.
 16. The Committee may consider a borrower's request to restructure a loan or modify the loan terms after the first calendar year following the loan closing. The restructuring

or modification must be based on a thorough analysis of the borrower's financial capacity and a recertification of financial need. The Committee and the loan administrator must adhere to the same policies and procedures established for the initial approval of an applicant.

17. Disbursement of loan funds to the RLF program borrower may only be made after final approval by Auglaize County (after state and federal requirements are met or assured).

F. Time Schedule for Loan Closings (Formula RLF)

Upon final approval of a loan application, the Committee will make every reasonable effort to close the loan within 45 days of the aforementioned approval. This time frame will be subject to the receipt of funds from OHCP and the final resolution of any environmental requirements.

G. Related Activities

To the greatest extent possible, the Committee will encourage involvement of the local Ohio Bureau of Employment Services and technical vocational schools, where appropriate, to ensure that jobs created with RLF program funds are made available to persons from LMI households.

PART III ADMINISTRATIVE ELEMENTS

A. Board of Directors

The Auglaize County Board of Commissioners shall be the administering agency for the RLF. The Commissioners of Auglaize County are, by statute, charged with appointing the members of the RLF Committee. In appointing the members of the Committee, the Commissioners shall make a reasonable effort to select persons from a broad range of backgrounds, vocations and community groups. However, the primary factor to be considered in appointing members shall be that they provide the Board with background, experience and expertise, which is necessary to oversee the operation of a RLF.

In selecting members, the Commissioners shall attempt to make selections such that they will provide representation from financial institutions, utilities, business community and legal community.

The RLF Committee shall be charged with the oversight responsibility for the RLF. In such a capacity the Committee shall be solely responsible for the following RLF functions:

1. review, selection and approval/disapproval of loan applications;
2. establishment of policies and procedures for the RLF program;
3. review/revision of such policies and procedures, as necessary; and

The Auglaize County Commissioners shall be charged with the final oversight and responsibility for the RLF. The Auglaize County Commissioners and the Ohio

Department of Development will adhere to the policies and procedures as established by the State of Ohio, Department of Development in the OCD RLF Policies and Procedures Manual and shall be responsible for final decisions concerning RLF program loans.

The Committee will meet as necessary to review loan applications presented by the loan administrator. The Committee will review each application and the final/credit analysis of the project to determine:

1. necessary or appropriate requirement;
2. number and type of jobs created/retained;
3. minimum amount of participation necessary;
4. ability of applicant to repay the loan;
5. collateral or security available;
6. trends from business history or market;
7. environmental concerns;
8. hiring practices;
9. willingness of applicant to offer new jobs to long-term unemployed and Workforce Investment Act eligible persons;
10. willingness of applicant to establish or participate in on-the-job training programs;
and
11. development benefits and special consideration.

B. Administrative Capacity

The Auglaize County Commissioners have designated Anchor Financial Services as the Loan Administrator. The Loan Administrator possesses skills in the areas of finance, law, government, market, credit analysis, loan packaging, processing and servicing. The assistance of outside consultants for the following may be required:

1. Legal Counsel
2. Financial Credit Analysis

Other consultants, who may be required on a case-by-case basis, will be required to also execute a letter of agreement with Auglaize County.

The Loan Administrator will be responsible for advertising for, and intake of, applications; preliminary analysis of loans based on program criteria and potential economic benefits to the project area; financial/credit analysis; preliminary loan packaging; preparation of meeting agendas in consultation with the chairman; preparation of environmental reviews; working with special staff and consultants, i.e. attorneys,

accountants, engineers, architects, urban planners and others), as required to process or document applications, presentations of pending and completed applications and RLF program related status reports and updates, as needed; coordination with borrower, financial institution, RLF Committee and grantee; monitoring of project; financial management of the RLF program; completion of performance reporting for Auglaize County and grantee; and RLF recapitalization efforts.

At each meeting of the RLF Committee, the Loan Administrator will present the following:

1. Current status of the RLF program, including:
 - a. funds available to loan;
 - b. status of loans;
 - c. program income available for administrative expenses; and
 - d. update of RLF capitalization efforts.
2. Financial report of administrative income/expenditures, including:
 - a. year to date; and
 - b. review of budget.
3. Presentation of current applications, including holdovers. A complete review of each application with regard to RLF program policies and guidelines. The Loan Administrator will provide recommendations regarding each application for consideration by the Committee.
4. Update of other area economic development efforts and programs available.
5. Update of program marketing efforts.
6. Discussion of any proposed policy and/or procedural changes to the RLF program and Plan.

C. Loan Selection and Approval Process

1. Outreach Program

As funds are made available to the RLF program, the Loan Administrator shall advertise the program via the following methods:

- a. visits with area business/industries;
- b. luncheon and speaking engagements sponsored by area organizations; and
- c. brochures and other publications.

The outreach program will ensure that all potential applicants may be given the opportunity to share in the RLF program's resources.

2. Review and Approval Process

The Loan Administrator will work with the businesses financial institution, or fiscal officer, to prepare a joint financial and credit analysis of the proposed project when necessary.

As the RLF will offer usually direct loan assistance, in most cases for fixed assets, the Committee must consider the credit worthiness of the business or industry. The RLF program should be used to provide a longer term, more reasonable rate and/or lower down payment than if the project is funded entirely with conventional financing. However, the Committee will strive to negotiate the smallest amount of RLF monies for the shortest term possible, within the repayment abilities of the business/industry. This ability to cover debt service will be determined by a thorough analysis of the company's current financial status as well as projected income and expenses as a result of the project. The result of this analysis will be the least amount of RLF funding with the shortest possible term and the highest affordable rate of which the company is capable and willing to accept.

The Committee must document the decision to fund each project as to whether or not such assistance is "necessary or appropriate" in terms of:

- a. the extent of the need of the business/industry for CDBG/RLF assistance in order to achieve the RLF's objectives. The determination of this "necessary or appropriate" need shall be based on factors such as any analysis of the applicants financial position, business proforma and available financing which must indicate that there exists:
 - i. a financing gap where lenders and equity financiers are unwilling or unable to place additional necessary funds into the project;
 - ii. a lack of reasonable rate of return on the project in relation to the equity investment and the risk involved (i.e. rate of return analysis);
 - iii. a locational cost differential between a site or sites in the PAAC area or between sites in another location, which would cause the project to locate in another location due to these differentials.

All of the above determinations of the "necessary or appropriate" need for RLF funding assistance shall always involve an analysis of the business cash flow and rate of return as set forth in the applicants proforma, to determine that the level of return on investment does not result in a return substantially in excess of industry standards for similar businesses in similar locations with similar risks.

- a. the public benefit to be derived in relation to the assistance provided;
- b. the determination that the national objective of "benefit to LMI persons" is met, i.e., through creation of jobs for such persons; and

- c. The President of the Board of Commissioners of Auglaize County must authorize that each approved loan has been reviewed in accordance to the “necessary or appropriate” and “national objective” determination.

The borrower must be capable of offering an acceptable amount of collateral for the RLF assistance. The borrower must also agree to all the requirements of the program.

D. Loan Servicing and Monitoring

1. General Procedures

- a. Once all parties have approved a loan commitment, the Loan Administrator will take action to ensure that all necessary closing and filing documents are prepared and the necessary review and discussion with the applicant and legal counsel are accomplished.
- b. When a loan closing is completed and funds are disbursed, the Loan Administrator will establish a loan-servicing file to contain all closing and necessary loan monitoring documentation.
- c. The Loan Administrator will report to the Committee at its meeting, which loans are current or delinquent and actions taken.

2. Procedures for Workouts, Delinquencies and Defaults

The Loan Administrator will report to the Committee at its meeting, which loans are current or delinquent and actions taken. The report involves the following:

- a. Workouts – defined as a loan that modified from the original loan terms. Actions to be taken:
 - i. If the Loan Administrator is contacted directly by a borrower or if the borrower is delinquent and the Loan Administrator contacts the borrower for a proposed action, the Loan Administrator will discuss with the borrower the problem, remedies, and promised actions. The Loan Administrator will then contact the Auglaize County Commissioners and the RLF Committee to discuss and review the proposed action, which must be approved by the respective parties prior to implementation.
- b. Delinquencies – defined as a loan that is past due. Actions to be taken:
 - i. 30-Day Delinquency - The Loan Administrator shall call the borrower and send a letter to the borrower and all guarantors informing them of the delinquency and the penalty to be invoked, and requesting that they make the loan current within 10 days. Loan Administrator will also notify the borrower’s financial institution of the delinquency.
 - ii. 60-Day Delinquency – The Loan Administrator shall call the borrower and send a letter to the borrower and all guarantors information them of the delinquency and the penalty to be invoked, and requesting that they make the

loan current immediately. Loan Administrator will also notify the borrower's financial institution of the delinquency.

c. Default – defined as a loan that is greater than 90 days past due. Actions to be taken:

iii. The Loan Administrator will contact the Auglaize County Prosecuting Attorney and notify them of the default. All loan documentation will be turned over to the Auglaize County Prosecuting Attorney within 30 days to begin legal procedures to collect on the defaulted loan. Loan Administrator will also notify the borrower's financial institution of the default.

3. Compliance with Loan Conditions

The Loan Administrator will be responsible for collecting and maintaining evidence of ongoing compliance with loan requirements, including job creation and retention, insurance, financial reporting and special conditions including: labor standards (prevailing wages); civil rights; environmental; relocation/displacement; etc.

E. Sources of Funding to Cover Administration Costs

Funding sources for administration fees will include the following:

1. Up to 20% or \$50,000, whichever is less, of program income received in a calendar year, will be utilized by Auglaize County for administration costs to the Loan Administrator.
2. Members of the RLF Committee will donate their time;
3. Loan application and servicing fees may be utilized for administration costs, including legal fees and other consulting fees. (This does not include other services associated with the loan, which may be paid by the applicant.)

F. Recapitalization Strategy

The impact of the RLF program is directly related to its level of total capitalization. Potential sources for additional RLF capitalization include, but may not be limited to:

1. Community Development Block Grant funds available to cities, counties, villages and townships through the Economic Development Competitive program and/or the Formula program and Entitlement funds where feasible.
2. Area foundations, corporations and individuals;
3. Sale of seasoned loans to private lenders at a discount; and
4. Use of loan provisions that encourage loan refinancing.

The loan repayment funds will be maintained in a bank trust or certificate of deposit or other similar investment measure.

G. Other Requirements

As discussed above, compliance with applicable federal and state requirements will be dealt with via borrower commitments and/or loan closing documents, along with monitoring activities as follows:

1. Assurance regarding compliance with:
 - a. Environmental
 - i. The National Environmental Policy Act of 1969, as amended;
 - ii. The National Historic Preservation Act of 1966, as amended through 2000;
 - iii. The Clean Air Act, as amended;
 - iv. The Federal Water Pollution Control Act, as amended;
 - v. The Wild and Scenic Rivers Act;
 - vi. The Endangered Species Act of 1973;
 - vii. The Historical and Archaeological Data Preservation Act, as amended; and
 - viii. Safe Drinking Water Act.
 - b. Construction
 - i. Davis-Bacon Act, "Land Use Near Federal Airfield" and Public Law 13 CFR 309.1 "Certification as to Waste Treatment";
 - ii. 13 CFR 309.3 "Non-Relocation";
 - iii. 13 CFR 209.15 "The National Flood Insurance Program and Requirements Regarding Flood Hazards"; and
 - iv. Davis-Bacon Act, as amended (40 USC 276a-276a5) labor standards and prevailing wage schedules.
 - c. Civil Rights
 - i. 13 CFR Sub-Title A, Part 8, "Civil Rights and Title VI of the Civil Rights Act 1964"; and
 - ii. 13 CFR Part 311, Sub-Part D, "Non-Discrimination".
 - d. Access for the Handicapped
 - i. All loan projects involving construction of new facilities will provide for accessibility to the handicapped.

2. Description of employment practices and other civil rights information with loan applications.
3. Current and projected employment data will be requested in loan applications.
4. The preliminary project review will identify any potential area of non-compliance with the Civil Rights, environmental, relocation, handicapped access or Davis-Bacon labor standards and prevailing wage schedule requirements. The ODOD will be contacted regarding steps to be taken for compliance.
5. An individual environmental review of each project will be conducted prior to the grantee's Request for Release of Funds. For each RLF project funded with program income, the Loan Administrator or a consultant will prepare an environmental review. For any project with adverse impacts, special conditions to mitigate such impacts will be required, as part of the loan closing conditions and the environmental review process will be completed prior to the closing of the loan.
6. The Ohio Historic Preservation Office will be contacted in writing, as part of the environmental review process, by the Loan Administrator, prior to approval of any project with a potential effect on historic or archaeologically significant properties.
7. Upon loan approval, the Loan Administrator will request the assistance of the Local Labor Compliance Officer (dependent upon which geographic area contains the project) to assure compliance with labor standards and prevailing wages schedules during construction of projects.
8. Borrower commitments will include stipulations that the borrower will, if requested:
 - a. cooperate with the Loan Administrator and grantee in efforts to obtain monitoring and compliance information and documentation;
 - b. provide documentation to verify employment creation/retention commitments which are met (i.e. employment reports, tax reports, Workman's Compensation copies, check stubs and verifications regarding number hired, percentage of LMI and names of new employees);
 - c. provide evidence of continued required insurance;
 - d. if working capital funds are included in the loan, submit periodic financial reports to the Loan Administrator;
 - e. provide annual financial statements;
 - f. prior to loan closing, provide documentation of current payment of all local, state and federal taxes due.
9. Corrective action may be instituted on the basis of monitoring on-site visits and/or complaints received, dependent upon the area of required compliance.
10. Conflict-of-Interest

Elected officials, employees of CDBG recipients and contractors are those responsible for administering the CDBG program and are also responsible for maintaining the integrity of the CDBG and RLF programs.

CDBG regulations (24 CFR, Part 570.611) prohibits conflicts-of-interest. For any CDBG activities under a person's control or influence, that person may not:

- a. obtain personal or financial interest-of-benefits, including money, favors, gratuities, entertainment or anything of value that might be interpreted as conflict-of-interest; or
- b. obtain a direct or indirect interest in any contract, subcontract or agreement for any CDBG activity. This prohibition extends to contracts in which the person's spouse, minor child, dependent or business associate may have personal or financial interest. This prohibition extends for a period of one year after the person leaves his/her position with a CDBG activity, such as RLF, or program.

OHCP may grant an exception to this conflict-of-interest provision if it determines that such an exception will enhance the effectiveness of the CDBG project. Requests must be made in writing, by the CDBG grantee, to OHCP.

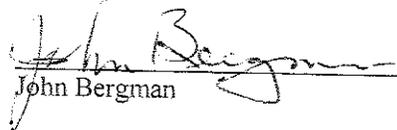
The above-stated measures also apply to the RLF Committee and governing body members and RLF applicants. If waivers are granted by OHCP, the applicant cannot vote or otherwise influence the final decision.

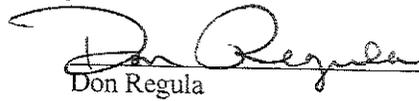
11. A project which is funded and fails to comply with any of the above items, after the date of loan closing, must be brought into compliance within a time frame to be established by the Committee in conjunction with the loan recipient and the appropriate federal and/or state authorities. If the loan recipient fails to comply with these requirements within the established time frame, the loan may immediately be recalled in full. This stipulation will be included in the borrower commitments.
12. The Committee and Loan Administrator will assure that loans are available on a non-discriminatory basis through advertising and public information programs.
13. This Plan is agreed to by the Auglaize County Commissioners and the Auglaize County Revolving Loan Fund Committee.

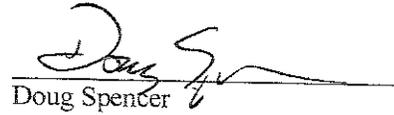
This Plan shall be effective the 1st day of January 2012.

This Revolving Loan Fund Plan was adopted and approved by the Board of County Commissioners of Auglaize County, Ohio at a meeting duly called and held on the 29th day of December, 2011 pursuant to Resolution No. 11-506.

BOARD OF COUNTY COMMISSIONERS
Auglaize County, Ohio


John Bergman


Don Regula


Doug Spencer

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 29th day of December, 2011.

Commissioner Spencer moved the adoption of the following:

RESOLUTION

WHEREAS, Janet Schuler, County Auditor has submitted the following request to the Board of County Commissioners:
December 28, 2011
Board of County Commissioners,
The 2011 Appropriation Budget needs adjusted for the following line items:

DECREASE:

048.0048.538100 County Payments - 613.19

INCREASE:

048.0048.538000 State Payments +2,368.69

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

Adopted this
29th 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

IN THE MATTER OF AUTHORIZING BUDGET ADJUSTMENTS.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 29th day of December, 2011.

Commissioner Spencer moved the adoption of the following:

RESOLUTION

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

County Home Fund:

Amount:	From:	To:
\$ 113.62	097.0097.510201 (Medicare)	097.0097.540700 (Advance)

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

Adopted this
29th 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
Acres

**IN THE MATTER OF DOCUMENTING THE RECEIPT OF BIDS FOR THE NEWLAND DITCH PROJECT;
AWARDING THE CONTRACT TO GERDING DITCHING.**

The Board of Auglaize County Commissioners met in regular session on the 29th day of December, 2011.

Commissioner Spencer moved the adoption of the following:

RESOLUTION

WHEREAS, on November 15, 2011, Resolution #11-430 the Board of County Commissioners set December 27, 2011 at 10:00 a.m. as the date to receive bids for the Newland Ditch Project; and,

WHEREAS, the following bids for labor and materials was received:

From: Gerding Ditching	\$54,680.50	
Cy Schwieterman, Inc.	\$57,076.85	
Engineer's Estimate was \$57,077.59		and,

WHEREAS, bids were given to the County Engineer personnel for review and comparison and upon review of the bids, as received, the County Engineer recommended the award be presented to Gerding Ditching for the Newland Ditch project as its bid is a good and complete bid.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio, does hereby award the bid for the construction of Newland Ditch project to Gerding Ditching in the amount of \$54,680.50; and,

BE IT FURTHER RESOLVED that the County Engineer is hereby directed to prepare the contract and bond and, having secured the signatures of said bidder and its surety, present the same to the Board of County Commissioners for approval and execution; and,

BE IT STILL FURTHER RESOLVED that the whole of such work shall be completed and all material furnished by December 31, 2012 provided that the time of furnishing such material and completing such labor shall correspond with the time provided for its use in the progress of the work.

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

Adopted this
29th 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 Commissioners Office
Auglaize County, Ohio
December 29, 2011

No. 11-510

**IN THE MATTER OF APPOINTING THREE DELEGATES AND THREE ALTERNATES TO THE
AUGLAIZE COUNTY REGIONAL PLANNING COMMISSION.**

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 29th day of December, 2011.

Commissioner Spencer moved the adoption of the following:

RESOLUTION

WHEREAS, the terms of the Delegates and Alternates from the county municipalities serving on the Auglaize County Regional Planning Commission expired on December 31, 2011.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio does hereby appoint the following persons to serve two year terms beginning on January 1, 2012 and expiring on December 31, 2013:

As Delegates: Charles Kantner, Thomas Fledderjohann, Kurt Rodeheffer
As Alternates: John N. Bergman, Don Regula, Douglas A. Spencer

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

Adopted this
29th 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: All delegates

IN THE MATTER OF RATIFYING THE LATERAL POSITION CHANGE OF KATHY BARTLETT AT THE AUGLAIZE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES.

The Board of County Commissioners of Auglaize County, Ohio, met in regular session on the 29th of December, 2011.

Commissioner Spencer moved the adoption of the following

RESOLUTION

WHEREAS, Michael S. Morrow, Director of the Auglaize County Department of Job & Family Services, informed the Board that the following position has been posted and an interview conducted and a candidate selected from within the Agency to fill said position; and

WHEREAS, the Board was requested to authorize the following lateral change for so stated position as follows:

- **Kathy Bartlett is to be laterally moved to Account Clerk 2 position, effective December 22, 2011 and there will be no change in salary.**

THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio, does hereby ratify the lateral position change of the employee at the Auglaize County Department of Job and Family Services as so requested in accordance with the specifications as mentioned above.

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

Adopted this
29th day of
December, 2011

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman *JP*
John N. Bergman

Douglas A. Spencer *Yes*
Douglas A. Spencer

Don Regula *yes*
Don Regula

cc: Auglaize County Department
of Job & Family Services
Deputy Clerk – Marty Metz