

**IN THE MATTER OF DECLARING RESOLUTION #09-88 NULL AND VOID; AUTHORIZING A NEW MEMORANDUM OF UNDERSTANDING (MOU) BY AND BETWEEN AUGLAIZE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES AND THE AUGLAIZE COUNTY BOARD OF COMMISSIONERS; AUTHORIZING THE PRESIDENT OF THE BOARD TO EXECUTE SAID MOU.**

\*\*\*\*\*

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 30th day of April, 2009.

Commissioner Regula the adoption of the following:

**RESOLUTION**

**WHEREAS**, in Resolution #09-88, dated March 5, 2009, the Board of County Commissioners entered into an MOU with the Auglaize County Department of Job and Family Services for the occupancy of the real estate and building located at 12 North Wood Street, Wapakoneta which houses the Job & Family Service Department; and,

**WHEREAS**, it has come to the attention of the Board of County Commissioners that there are several revisions to this MOU which are necessary, and therefore, will authorize a new and correct MOU.

**THEREFORE, BE IT RESOLVED** that the Board of Commissioners, Auglaize County, Ohio does hereby declare Resolution #09-88 null and void, thus voiding the MOU executed on March 5, 2009; and,

**WHEREAS**, a new Memorandum of Understanding (MOU) has been drafted and presented to the Board which sets the initial term of occupancy for one year, commencing January 1, 2009 and ending December 31, 2009 at the monthly rate of \$3, 908.53 payable on or before the first day of each month; said term will automatically extend for additional individual one year terms unless and until either party provides written notice to the other of its desire to terminate the provisions of the MOU no later than October 31 of the then current year.

**THEREFORE, BE IT RESOLVED** that the Board of Commissioners, Auglaize County, Ohio does hereby approve and authorize the new Memorandum of Understanding between the Auglaize County Department of Job and Family Services and said Board for the occupancy of the real estate and building located at 12 North Wood Street, Wapakoneta which houses said Job & Family Service Department; and,

**BE IT FURTHER RESOLVED** that the Board does authorize the President of the Board, Douglas A. Spencer, to execute said MOU as presented to the Board of County Commissioners; and,

**BE IT FURTHER RESOLVED** that said MOU will be hereto attached and thus become a part of this Resolution.

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

Adopted this  
30th day of  
April, 2009

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

Douglas A. Spencer . yes  
Douglas A. Spencer

Don Regula . yes  
Don Regula

John N. Bergman . yes  
John N. Bergman

# **MEMORANDUM OF UNDERSTANDING**

By and Between the

## **AUGLAIZE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES**

And the

## **AUGLAIZE COUNTY BOARD OF COUNTY COMMISSIONERS**

This Memorandum of Understanding is entered into this 30<sup>th</sup> day of April, 2009 by and between the Auglaize County Department of Job and Family Services, hereinafter "ACDJFS" and the Board of County Commissioners of Auglaize County, Ohio, hereinafter "Board". Said Memorandum of Understanding is entered into to memorialize the agreements by and between the two entities concerning the occupancy of the real estate and building located at 12 N. Wood St., City of Wapakoneta, Auglaize County, Ohio, hereinafter the "Premises".

The Board is the owner of the Premises and since 1991 has provided the use of said Premises for the operation and official functions of the County's Department of Job and Family Services (and its predecessor agencies). ACDJFS has utilized the Premises continuously since prior to 1991. During the occupancy of the Premises by ACDJFS certain remodeling projects have been undertaken which have made the Premises particularly suited to the functions of ACDJFS. Additionally, the Board wishes to maintain ACDJFS in its present location.

Wherefore, the Board and ACDJFS hereby enter into this Memorandum of Understanding to set forth each parties understanding of their respective responsibilities and obligations.

Therefore, it is understood and agreed by the parties as follows:

1. The Board hereby agrees to provide to ACDJFS the real estate and Premises located at 12 N. Wood St., Wapakoneta, Auglaize County, Ohio for the offices and work place of ACDJFS to carry out its official obligations and responsibilities.
2. ACDJFS shall pay to the Board the monthly amount of \$ 3,908.53 payable on or before the first day of each month, beginning January, 2009 for the use and occupancy of the Premises.
3. The Memorandum of Understanding shall be for an initial term of one year, commencing January 1, 2009 and ending December 31, 2009; with said term automatically extending for additional individual one year terms unless and until either party provides written notice to the other of its desire to terminate the provisions of the Memorandum of Understanding no later than October 31, of the then current year. Additionally, the parties have mutually agreed and attached the annual payment through December 31, 2017. The annual amount shall be divided by 12 for the monthly payment due from ACDJFS to the Board for the succeeding year of occupancy of the Premises.
4. The Board shall provide the labor for all routine maintenance of the Premises. ACDJFS shall be responsible for providing the labor and materials for all capital improvements to the Premises, all janitorial and cleaning expenses, and all maintenance and snow removal services for the Premises parking lot and the adjacent parking lot (located on the north side of Lima Street in the City of Wapakoneta); all of which are being utilized by ACDJFS.
5. The Board shall provide property damage and liability insurance coverage. ACDJFS will reimburse the County through the Cost Allocation payment.

6. ACDJFS shall not assign any of its rights and privileges contained in this Memorandum of Understanding without the express written consent of the Board.
7. The term of this Memorandum of Understanding, inclusive of all extensions, shall not extend beyond December 31, 2017.
8. Each party does hereby acknowledge that the Auglaize County Prosecutor's Office has prepared the foregoing Memorandum of Understanding based upon the agreements and specifications supplied by the parties; and that for the purposes of this Memorandum of Understanding the parties agree that the Auglaize County Prosecutor's Office has not provided any independent legal counselor or legal advice to either party. Further, each party does hereby acknowledge it has been advised of its right to independent legal counsel for the review and terms and conditions of this Memorandum of Understanding.

Board of County Commissioners  
Auglaize County, Ohio

By:

  
\_\_\_\_\_  
Doug Spencer, President

Auglaize County Department of Job and Family Services

By:

\_\_\_\_\_  
Mike Morrow, Director

**IN THE MATTER OF SETTING DATE, TIME AND LOCATION AT WHICH TO CONVENE A  
SPECIAL SESSION OF THE AUGLAIZE COUNTY BOARD OF COMMISSIONERS.**

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 30th day of April, 2009.

Commissioner Regula moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, pursuant to Ohio Revised Code Section 305.07, "the Board of County Commissioners may provide by Resolution for the holding of special sessions"; and,

**WHEREAS**, the Board must set a special session on May 8, 2009 from 9:00 a.m. to 11:59 a.m. or until the close of business, for the purpose of meeting with Cory Noonan with Senator Jim Jordan's office to discuss the Auglaize River project..

**THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Auglaize County, Ohio, does hereby set the above mentioned date, time and place to convene a special session of said Board; and,

**BE IT FURTHER RESOLVED** that a copy of this Resolution be provided to The Evening Leader, The Wapakoneta Daily News, The Lima News and The Daily Standard to ensure adequate public notice of this special session.

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

Adopted this  
30<sup>th</sup> day of  
April, 2009

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

Douglas A. Spencer, \_\_\_\_\_  
Douglas A. Spencer

Don Regula, yes  
Don Regula

John N. Bergman, yes  
John N. Bergman

cc: newspapers