

**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 16th day of December, 2008.

Commissioner KRAMER 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 the following date, time and location for the reason so given:

- on December 17, 2008, from 8:00 a.m. to 4:30 p.m. or until the meeting is completed, for general purposes in the Commissioners Chambers in the County Administration Building.

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

Adopted this  
16th day of  
December, 2008

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes  
John N. Bergman

Douglas A. Spencer, yes  
Douglas A. Spencer

Ivo J. Kramer, YES  
Ivo J. Kramer

cc: newspapers

**IN THE MATTER OF APPROVING THE CONTRACT AND BOND OF GENE TOPP DRAINAGE SERVICE FOR THE EASTERLY DITCH PROJECT.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 16th day of December, 2008.

Commissioner KRAMER moved the adoption of the following

**RESOLUTION**

**WHEREAS**, the Engineer's office has filed with this Board a contract and bond with Gene Topp Drainage Service for labor and materials for said Easterly Ditch project petitioned under Senate Bill 160; and,

**WHEREAS**, the Board of County Commissioners has been requested to approve and execute the contract and bond, as all appears to be in order.

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners, Auglaize County, Ohio, does hereby approve the contract and bond with Gene Topp Drainage Service, as presented, for the Easterly Ditch project; and,

**BE IT FURTHER RESOLVED** that the Clerk of the Board is hereby directed to record said contract and bond in the Commissioners' Journal; and,

**BE IT FURTHER RESOLVED** that the Secretary of the County Engineer prepare assessment billing notices in accordance with the list of assessments as presented by the County Engineer; for each parcel of land, each public corporation and each department, office, or institution of the State of Ohio as given; and,

**BE IT FURTHER RESOLVED** that the County Auditor is hereby directed to place unpaid assessments, after due payment period, on the County tax duplicates.

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

Adopted this 16<sup>th</sup> day  
of December, 2008

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes  
John N. Bergman

Douglas A. Spencer, YES  
Douglas A. Spencer

Ivo J. Kramer, Yes  
Ivo J. Kramer

cc: County Engineer

# DITCH CONTRACT

Revised Code, Sec. 6131.41

In the Matter of the **EASTERLY DITCH**

*SINGLE* County Ditch Petitioned for by **SENATE BILL 160** and others.

THIS AGREEMENT, made and entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 2008,  
by and between the County Commissioners of **AUGLAIZE COUNTY**,  
, Ohio, and hereinafter designated as "First Party," and **GENE TOPP DRAINAGE SERVICE**  
of **06672 C.R. 66A, NEW BREMEN, OHIO** hereinafter designated as "Second Party."

WITNESSETH, THAT SAID "SECOND PARTY," For and in consideration of the sum  
of **THIRTY FOUR THOUSAND EIGHT HUNDRED FIFTY-TWO AND 50/100**  
**( \$ 34,852.50 )** Dollars, to be paid as hereinafter specified, hereby agree to furnish unto said  
"First Party." all the necessary materials, and do all the work and labor required to construct the  
**EASTERLY DITCH** improvement petitioned for by **SENATE BILL 160**, and others,  
in accordance with plans, drawings and specifications for the same hereto attached, which plans,  
drawings and specifications are hereby declared to be a part of this contract.

Said "Second Party" further agrees to furnish said materials and to do the said work and labor  
promptly, in a good substantial and workmanship manner, under the direction of the County Engineer in  
charge, without hindrance or delay to any other branch or class of work on said

**EASTERLY DITCH** and to work in harmony with and to render such assistance to other  
branches of work as their connection therewith and the progress of the **EASTERLY DITCH**  
may require. The whole to be completed to the satisfaction and acceptance of said "First Party" on or before  
the **31<sup>ST</sup>** day of **OCTOBER**, 2009.

AND SAID "FIRST PARTY," for and in consideration of the true and faithful performance of  
said work and labor and furnishings of said materials as aforesaid, hereby agree to pay unto the said "Second  
Party" said sum of **THIRTY FOUR THOUSAND EIGHT HUNDRED FIFTY-TWO AND**  
**50/100 ( \$ 34,852.50 )** Dollars, in installment from time to time, upon the certificate of acceptance of  
the County Engineer and as provided by law.

Now if the said

GENE TOPP DRAINAGE SERVICE

of

06672 C.R. 66A, NEW BREMEN, OHIO

shall faithfully perform and complete such work and labor and furnish such materials within the time and as above specified and conditioned, according to the tenor of said Contract, and in accordance with the plans, descriptions and specifications required and made a part of said Contract, then this obligation shall be void; otherwise it shall be and remain in full force and virtue in law.

Executive in Presence of

*Gene Topp*  
signed

*Gene Topp*  
witness

GENE TOPP DRAINAGE SERVICE  
company/contractor

*[Signature]*  
witness

06672 C.R. 66A  
street

NEW BREMEN, OHIO 45869  
city, state, zip

The above contract being good and sufficient is approved this 16<sup>th</sup> day of December, 2008.

*John M. Bergman*  
commissioner

*Douglas A. Sear*  
commissioner

*Joe Kramer*  
commissioner

# BOND OF DITCH CONTRACTOR

Revised Code, Sec. 6131.42

In the Matter of the **EASTERLY DITCH**

Single County Ditch No.

**ON CONTRACT FOR WORK AND LABOR**

Petitioned for by **SENATE BILL 160** and materials  
and others.

KNOW ALL MEN BY THESE PRESENTS, *That we,* **GENE TOPP DRAINAGE SERVICE**  
of **06672 C.R. 66A, NEW BREMEN, OHIO**, as Principal, and  
**FIRST NATIONAL BANK IN NEW BREMEN**, as sureties, are held and firmly bound unto  
the state of Ohio for the benefit of **AUGLAIZE COUNTY** and for the benefit of any owner  
having a right of action thereon as is provided by law, in the penal sum of **THIRTY FOUR**  
**THOUSAND EIGHT HUNDRED FIFTY-TWO AND 50/100** ( \$ 34,852.50) Dollars,  
(ADD AN ADDITIONAL 25% TO TOTAL IF LETTER OF CREDIT SHALL BE USED)  
to the payment of which sum, well and truly to be made, we do hereby jointly and severally bind ourselves,  
our heirs, executors and administrators.

Signed by us, and dated this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH THAT, *Whereas,* the above  
Bound **GENE TOPP DRAINAGE SERVICE**  
of **06672 C.R. 66A, NEW BREMEN, OHIO**  
have entered into a Contract with said Board of County Commissioners, First, to furnish the materials and  
perform the work and labor for the construction of the **EASTERLY DITCH** improvement  
petitioned for by **SENATE BILL 160** and others specified in said Contract, to  
the satisfaction and acceptance of the County Engineer, on or before the **31<sup>ST</sup>** day of **OCTOBER,**  
2009, for the compensation of **THIRTY FOUR THOUSAND EIGHT HUNDRED FIFTY-**  
**TWO AND 50/100** ( \$ 34,852.50) Dollars.

(ADD AN ADDITIONAL 25% TO TOTAL IF LETTER OF CREDIT SHALL BE USED)

Second, to save the County from any loss caused by delay in completing the work or furnishing the  
material within the time and in the manner expressed in the contract, bid and specifications;

Third, for the payment of claims of any person, arising out of the unlawful acts or negligence of the contractor in the performance of his contract;

And Forth, to perform the contract in the time stated in the contract, to furnish and use in the improvement all materials of the grade, kind and quality as stated in the contract and specifications; and to construct the improvement in the manner stated in the contract and specifications.

Now if the said **GENE TOPP DRAINAGE SERVICE**

of **06672 C.R. 66A, NEW BREMEN, OHIO**

shall faithfully perform and complete such work and labor and furnish such materials within the time and as above specified and conditioned, according to the tenor of said Contract, and in accordance with the plans, descriptions and specifications required and made a part of said Contract, then this obligation shall be void; otherwise it shall be and remain in full force and virtue in law.

Executive in Presence of

Gene Topp  
signed

Gene Topp  
witness

GENE TOPP DRAINAGE SERVICE  
company

[Signature]  
witness

06672 C.R. 66A  
street

NEW BREMEN, OHIO 45869  
city, state, zip

The above bond being good and sufficient is approved this 16<sup>th</sup> day of December, 2008.

John N. Bergman  
commissioner

Douglas A. Spence  
commissioner

[Signature]  
commissioner

**LETTER OF CREDIT - BONDING CONTRACT WITH  
THE BOARD OF COUNTY COMMISSIONERS  
OF AUGLAIZE COUNTY**

To: Board of County Commissioners  
Auglaize County, Ohio

In Re: PERFORMANCE BONDING FOR THE EASTERLY DITCH

Gentlemen:

*We, the undersigned, do hereby establish a CONTRACT FOR PERFORMANCE BONDING in the favor of the Auglaize County Commissioners, and have established an account under the name of GENE TOPP DRAINAGE SERVICE, having an address of 06672 C.R. 66A NEW BREMEN, OHIO, 45869. The minimum amount established for this CONTRACT FOR PERFORMANCE BONDING has been determined by the Board of County Commissioners as being 125% of the estimated costs to complete the EASTERLY DITCH improvement. The Estimated Construction Costs for said Ditch Improvement plus an additional 25%, has been established at FORTY THREE THOUSAND FIVE HUNDRED SIXTY-FIVE AND 62/100 (\$43,565.62) dollars, and will be subject to the following terms and conditions:*

1. *That the amount of the bond as set forth herein is 125% of the total Estimated Construction Costs and Ditch Contract amount for the proposed Ditch Improvement known as the EASTERLY DITCH.*

2. *The undersigned Contractor for said improvement shall be under contract with the Board of County Commissioners, and shall be completed on or before the 31<sup>st</sup> day of OCTOBER, 2009 to complete the necessary work as detailed on the plans, profiles, and specifications on file with the Board of County Commissioners. Failure to do so will be subject to all penalties as provided in the Ohio Revised Code.*

*If an Extension of Time to complete the Ditch Improvement is needed to be granted in order to complete the EASTERLY DITCH, then the Contract for Performance Bonding must also be extended for the same Extension of Time in the amount of FORTY THREE THOUSAND FIVE HUNDRED SIXTY-FIVE AND 62/100 (\$43,565.62) dollars, however, it cannot be construed that the Board of County Commissioners will grant such an extension of time unless extreme hardship or severe weather effects the established date of completion for said Ditch Improvement.*

*3. It is guaranteed by the undersigned Contractor that the Ditch Improvements as set forth on the plans, profiles, and specifications will be completed to it's entirety and approved by the Auglaize County Engineer on or before the 31<sup>st</sup> day of OCTOBER, 2009. If such a guarantee is breached, then the Board of County Commissioners shall, upon notice of such failure received by us in writing, be authorized to issue drafts against the Performance Bonding Agency, under the name of*

*GENE TOPP DRAINAGE SERVICE, having an address of 06672 C.R. 66A NEW BREMEN, OHIO, 45869 up to and including the amount of the Estimated Construction Costs plus an additional 25% for the proposed Ditch Improvement known as the EASTERLY DITCH herein mentioned, for the sole purpose of completing the improvements according to said plans, profiles, and specifications on file with the Board of County Commissioners and shall be in the amount of FORTY THREE THOUSAND FIVE HUNDRED SIXTY-FIVE AND 62/100 (\$43,565.62) dollars.*

*4. Upon the enactment of any of the forementioned drafts against the Performance Bonding Agency under the name of FIRST NATIONAL BANK IN NEW BREMEN does further guarantee payment of such drafts to complete the Ditch Improvement, regardless of default, insolvency, or bankruptcy by the Contractor under the name of GENE TOPP DRAINAGE SERVICE having an address of 06672 C.R. 66A NEW BREMEN, OHIO, 45869 and regardless of any objections of said GENE TOPP DRAINAGE SERVICE, the Contractor, or litigation or disagreement between the Board of County Commissioners of Auglaize County, FIRST NATIONAL BANK IN NEW BREMEN, the Performance Bonding Company.*

5. Such drafts shall be accompanied by a statement setting forth the fact of failure to complete the Ditch Improvement, and further, that the improvement will be under the authority of the Board of Commissioners of Auglaize County, complete to the extent of the funds for which the draft is drawn to the complete satisfaction of the Board of Commissioners of Auglaize County, with the Auglaize County Engineer having supervisory jurisdiction over such work on behalf of the Board of Commissioners of Auglaize County. All such statements shall be in writing, and shall be received ten days prior to the date on which such funds will be required.

6. The amount and date of such drafts drawn hereunder must be endorsed on the face hereof by of

GENE TOPP DRAINAGE SERVICE, having an address of 06672 C.R. 66A

NEW BREMEN, OHIO, 45869 We do hereby guarantee the Board of Commissioners of Auglaize County that all drafts drawn under and in compliance with the terms of this CONTRACT FOR PERFORMANCE BONDING shall meet with due honor upon presentation and delivery of documents in accordance with the terms and conditions hereof.

7. This CONTRACT FOR PERFORMANCE BONDING is limited to the sum herein mentioned and set forth, and in the event this CONTRACT FOR PERFORMANCE BONDING is exercised by the Board of County Commissioners, the amounts payable hereunder shall be the face value of at FORTY THREE THOUSAND FIVE HUNDRED SIXTY-FIVE AND 62/100 (\$43,565.62) dollars, which less any amounts of improvements as performed by the undersigned Contractor towards completing said Ditch Improvement in accordance with the plans and specifications, and under the approval of the Auglaize County Engineer. It is also hereby understood that the Board of County Commissioners and/or the Auglaize County Engineer shall not arbitrarily or unreasonably withhold approval of the installations or improvements made for said improvement, and shall specifically state the nature and extent of any objections to these improvements made by the undersigned Contractor before invoking payment under this CONTRACT FOR PERFORMANCE BONDING.

In Witness Hereof, FIRST NATIONAL BANK IN NEW BREMEN the Performance  
Bonding Agency, has hereunto set its hand and seal of the undersigned person (s) who are duly authorized  
by the Board of Directors to execute this agreement,

by  U-P 12.10.08  
official signature from BONDING AGENCY OR BANK  
JERRY S. LEHMAN, JR.

for FIRST NATIONAL BANK IN NEW BREMEN  
BONDING AGENCY OR BANK

435 S. WASHINGTON ST., NEW BREMEN, OH 45869  
address

NEW BREMEN, OH 45869  
city, state, zip

419-629-2761  
phone

All terms and conditions of the this CONTRACT FOR PERFORMANCE BONDING  
for the development of the EASTERLY DITCH accepted by the Board of Commissioners of  
Auglaize County, pursuant to Resolution No. 08-560 passed this 16<sup>th</sup> day  
of December, 2008.

John W. Bergman  
commissioner - Auglaize County

Douglas H. Spencer  
commissioner - Auglaize County

Art Kanner  
commissioner - Auglaize County

All terms and conditions accepted this 10 day of December, 2008.

Gene Topp  
authorized signature for CONTRACTOR

GENE TOPP DRAINAGE SERVICE  
COMPANY

06672 C.R. 66A  
address

NEW BREMEN, OHIO 45869  
city, state, zip

(419) 629-3360  
phone

# DITCH CONSTRUCTION PROPOSAL

## AFFIDAVIT OF COMPLIANCE WITH OHIO REVISED CODE SECTION 3517.13

STATE OF OHIO  
COUNTY OF AUGLAIZE

None Tapp being duly sworn, deposes and states as follows:

1. I am duly authorized to make the statements contained herein on behalf of GENE TAPP DRAINAGE SERVICE LLC ("the Contracting Party")

2. The Contracting Party is a/an (select one):
- Individual, partnership, or other unincorporated business association (including, without limitation, a professional association organized under Ohio Revised Code Chapter 1785), estate, or trust.
  - Corporation organized and existing under the laws of the State of \_\_\_\_\_
  - Labor organization

3. I hereby affirm that the Contracting Party and each of the individuals specified in R.C. 3517.13(I)(3) (with respect to non-corporate entities and labor organizations) or R.C. 3517.13(J)(3) (with respect to corporations) are in full compliance with the political contribution limitations set forth in R.C. 3517.13 (I) and (J), as applicable.

4. That none of the following has **individually** made within the two previous calendar years and that, if awarded a contract for the purchase of goods or services in excess of \$10,000, none of the following **individually** will make, beginning on the date the contract is awarded and extending until one year following the conclusion of the contract, as an individual, one or more campaign contributions totaling in excess of \$1,000, to the Board of Auglaize County Commissioners or their Campaign committee:

- a. myself;
- b. any partner or owner or shareholder of the partnership (if applicable);
- c. any owner of more than 20% of the corporation or business trust (if applicable);
- d. each spouse of any person identified in (a) through (c) of this section;
- e. each child seven years of age to seventeen years of age of any person identified in divisions (a) through (c) of this section (only applicable to contributions made on or after April 4, 2007).

5. That none of the following have **collectively** made since April 4, 2007, and that, if awarded a contract for the purchase of goods or services in excess of \$10,000, none of the following **collectively** will make, beginning on the date the contract is awarded and extending until one year following the conclusion of the contract, one or more campaign contributions totaling in excess of \$2,000, to the Auglaize County Board of Commissioners or their campaign committee:

- a. myself;
- b. any partner or owner or shareholder of the partnership (if applicable);
- c. any owner of more than 20% of the corporation or business trust (if applicable);
- d. each spouse of any person identified in (a) through (c) of this section;
- e. each child seven years of age to seventeen years of age of any person identified in divisions (a) through (c) of this section (only applicable to contributions made on or after April 4, 2007).

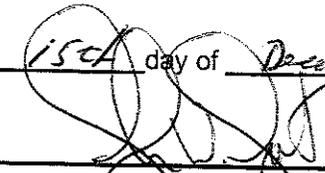
6. I understand that a false representation on this certification constitutes a felony of the fifth degree pursuant to R. C. 3517.13(AA) and 3517.992(R)(3).

7. Any contract that contains a falsified certification shall be rescinded.

Affiant further sayeth naught.

By None Tapp  
Title Owner

SWORN TO BEFORE ME and subscribed in my presence this 15th day of December, 2008.

  
\_\_\_\_\_  
(Notary Public) W. Jauer

SEAL

NOTARY PUBLIC, STATE OF OHIO  
My commission expires \_\_\_\_\_ My Commission Expires, \_\_\_\_\_  
January 8th, 2013

# DITCH CONSTRUCTION PROPOSAL

## NON-COLLUSION AFFIDAVIT

STATE OF OHIO, COUNTY OF AUGLAIZE:

*Bid Identification:* **EASTERLY DITCH BID**

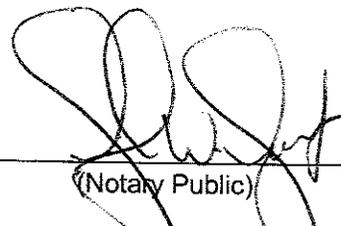
The undersigned, being duly sworn, deposes and say that he/she OWNER  
(title)

of GEVE TAPP DRAINAGE SERVICE LLC.  
(name of contractor submitting bid)

*The party hereby submitting the bid; that such bid is not made in the interest of on behalf of any disclosed person, partnership, company, association, organization, or corporation; that such bid is genuine and not collusive of sham; that said bidder has not directly or indirectly induced or solicited any other bidder to submit a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to submit a sham bid, or that anyone shall refrain from bidding; that said bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of said bidder or any other bidder, or to fix any overhead, profit, or cost element of such bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract or anyone interested in the proposed contract; that all statements contained in such bid are true; and further, that said bidder, has not directly or indirectly submitted his bid price of any breakdown thereof, or the contents thereof, divulged information or data relative thereto, or paid and will not pay any fee in connection therewith, to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof, or to any other individual except to such person or persons as have a partnership of other financial interest with said bidder in his general business.*

By: Gene Tapp - Owner  
(Name & Title)

Subscribed and sworn to before me this 15 day of December, 2008.

  
\_\_\_\_\_  
(Notary Public)  
John W. Jauert  
**NOTARY PUBLIC, STATE OF OHIO**  
My Commission Expires,  
January 8th, 2013

# DITCH CONSTRUCTION PROPOSAL

## DELINQUENT TAX AFFIDAVIT

STATE OF OHIO, COUNTY OF AUGLAIZE:

TO: *The Auditor of Auglaize County*

The Affiant *GENE TOPP DRAINAGE SERVICE LLC.*  
Name of person, organization, or company

Located at *6672 CR 66A NEW BOWEN, OH 45869*  
Address: street, city, state, and zip code

After being duly sworn states the following: The Affiant, at the time the bid for

*EASTERLY DITCH BID* was submitted (check one):

- Was NOT charged with any personal property taxes on the general tax list of Auglaize County
- Was charged with delinquent personal property taxes on the general tax list of Auglaize County in the principal amount of \$ \_\_\_\_\_ with the sum of \$ \_\_\_\_\_ added for due and unpaid penalties and interest. Further the Affiant sayeth naught.

Sworn and subscribed by *Gene Topp Drainage Service LLC.* this *15* day of *Dec.*, 20*08*.  
Name of person, organization, or company

*Gene Topp*  
Signature of person or authorized representative of Affiant

Before me, a notary public, on this *15th* day of *December*, 20*08*, personally appeared *GENE TOPP*, the Affiant in the foregoing affidavit who acknowledged the signing thereof to be his/her voluntary act and deed. In testimony whereof, I have hereto subscribed my name and affixed my seal on this day and year aforesaid.

*[Signature]*  
(Notary Public)

My Commission Expires: **NOTARY PUBLIC, STATE OF OHIO**  
My Commission Expires,  
January 8th, 2013

The purpose of this affidavit is to comply with Ohio Revised Code Section 5719.042, which states:

After the award by a taxing district of any contract let by competitive bid and prior to the time the contract is entered into, the person making the bid shall submit to the district's fiscal officer a statement affirmed under oath that the person with any delinquent personal property taxes on the general tax list of personal property of any county in which the taxing district has territory of that such person was charged with delinquent personal property taxes on any such tax list, in which case the statement shall also set forth the amount of such due and unpaid delinquent taxes and any due and unpaid penalties and interest thereon. If the statement indicates that the taxpayer was charged with any such taxes, a copy of the statement shall be transmitted by the fiscal officer to the county treasurer within thirty days of the date it submitted.

**IN THE MATTER OF AUTHORIZING REIMBURSEMENT OF FUNDS FROM VARIOUS DITCH CONSTRUCTION FUNDS TO VARIOUS MAINTENANCE FUNDS, MVGT FUNDS AND COUNTY GENERAL FUND AS REQUESTED BY THE COUNTY ENGINEER.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 16th day of December, 2008 with the following members present:

John N. Bergman                      Douglas A. Spencer                      Ivo Kramer

Commissioner Spencer moved the adoption of the following

**RESOLUTION**

**WHEREAS**, Kevin Schnell, Asst. County Engineer, submitted the following correspondence to the Board of County Commissioners, listing petitioned ditch project, both County Ditch petitions and Soil and Water Conservation Senate Bill 160 Ditch petitions, which has been recently construction and completed by their respective contractors; and,

**WHEREAS**, at this time, it is appropriate for the County Engineer to request the remaining balance of monies from construction accounts for said completed ditches be moved into either the County Engineer's MVGT Account for the reimbursement of Engineering Fees, and/or into the respective Ditch Maintenance Accounts established with the County Auditor for future ditch maintenance work; and to reimburse the County General Fund for Postage; and,

**WHEREAS**, authorization of the following transactions is requested:

Attached with this correspondence is a list of petitioned ditch projects that have been recently constructed and completed by their respective contractors. These ditches are a combination of County Ditch Petitions and Soil and Water Conservation Senate Bill 160 Ditch Petitions.

The construction phase of each of these improvements have now been completed for the below mentioned projects and we would like the remaining balance of monies be moved out of their respective construction accounts and placed into their respective Ditch Maintenance Accounts established with the County Auditor for future ditch maintenance work, and/or the respective postage expenses to be reimbursed to the County General Fund.

The requested movement of funds are as follows:

ditch name	construction account number	maintenance account number	move from construction account to maintenance account	move from construction account to County Engineer's MVGT for Engineering & Misc	move from construction to County General Fund for Postage Reimbursement
RAMGA DITCH	308.0308.535700	833.0100.400200	\$ 4,116.01	\$ 0.00	done
ANNESSER DITCH	309.0309.535700	834.0100.400200	\$ 5,919.31	\$ 0.00	done
WAYNESFIELD NORTHEAST	310.0310.535700	835.0100.400200	SEE FOOTNOTE	\$ 3,385.00	done
HUENKE #2	311.0311.535700	836.0100.400200	\$ 1,736.10	\$ 0.00	done
SHEARER DITCH	314.0314.535700	837.0100.400200	\$ 2,784.04	\$ 0.00	done
STONER DITCH	315.0315.535700	838.0100.400200	\$ 559.21	\$ 0.00	done
ZINK DITCH	316.0316.535700	839.0100.400200	SEE FOOTNOTE	\$ 1,350.00	done
SIMMS RUN DITCH	317.0317.535700	840.0100.400200	\$ 2,628.10	\$ 1,000.00	done
SPENCER DITCH	318.0318.535700	841.0100.400200	SEE FOOTNOTE	\$ 0.00	done
CARTWRIGHT DITCH	319.0319.535700	842.0100.400200	\$ 2,473.34	\$ 640.66	done

\* FOOTNOTE \* The Ditch is currently under construction, therefore, final payments to the Contractor, postage and transfer to maintenance account will be requested in 2009.

Resolution – continued  
December 16, 2008  
Reimbursements from ditch  
Construction accounts to Maintenance, MVGT and Co. General funds.

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners, Auglaize County, Ohio, does hereby authorize the County Auditor to make the above mentioned reimbursements of funds as stated.

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

Adopted this  
16<sup>th</sup> day of  
December, 2008

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

<u>John N. Bergman</u>	<u>Yes</u>
John N. Bergman	
<u>Douglas A. Spencer</u>	<u>Yes</u>
Douglas A. Spencer	
<u>Ivo Kramer</u>	<u>Yes</u>
Ivo Kramer	

cc: County Engineer  
County Auditor

**IN THE MATTER OF AUTHORIZING BUDGET ADJUSTMENTS WITHIN THE HERITAGE PARK FUND, THE AUDITOR'S APPROPRIATION, THE KAH SEWER FUND, THE SANITARY ENGINEER APPROPRIATION, AND THE SOLID WASTE FUND..**

\*\*\*\*\*

The Board of County Commissioners of Auglaize County, Ohio, met in regular session on the 16th day of December, 2008.

Commissioner KRAMER moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, the Board did receive correspondence from Park Director Allison Brady requesting budget adjustments within the Heritage Trails Park Fund and from County Auditor Janet Schuler requesting budget adjustments within the Auditor's appropriation and the Kah Sewer fund, and from Solid Waste Coordinator David Reichelderfer; and

**WHEREAS**, the Board has determined the necessity of a budget adjustment within the Sanitary Engineer appropriation for the purpose of buying new equipment.

**THEREFORE, BE IT RESOLVED** that the Board does authorize the County Auditor to make budget adjustments as follows:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
<b>HERITAGE TRAILS PARK FUND</b>		
946-0946-536400 Workers Comp	\$ 25.00	946-0946-510201 Medicare
946-0946-536400 Workers Comp	\$ 200.00	946-0946-536700 PERS
<b>AUDITOR</b>		
001-0104-536400 Workers Comp	\$ 20.84	001-0104-536700 PERS
<b>KAH SEWER FUND</b>		
241-0241-540100 Principal	\$ 1,477.68	241-0241-540300
<b>SANITARY ENGINEER</b>		
001-1001-510200 Employee Salary	\$ 843.70	001-1001-530400 Equipment
<b>SOLID WASTE FUND</b>		
004-0004-510200 Employee Salary	\$ 16,800.00	004-0004-530600 Contract Services
004-0004-510200 Employee Salary	\$ 4,200.00	004-0004-536600 Hospitalization

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

Adopted this 16th day  
Of December, 2008

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

John N. Bergman , yes  
John N. Bergman

Douglas A. Spencer , yes  
Douglas A. Spencer

Ivo J. Kramer , Yes  
Ivo J. Kramer

Cc: County Auditor  
Heritage Trails Park District  
Sanitary Engineer  
Solid Waste

**IN THE MATTER OF AMENDING THE ANNUAL APPROPRIATION DUE TO MONIES  
CERTIFIED AND NOT APPROPRIATED IN THE INDIGENT APPL FEE FUND;**

\*\*\*\*\*

The Board of County Commissioners of Auglaize County, Ohio, met in regular session on the 16th day of December, 2008.

Commissioner KRAMER moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, under the date of January 3, 2008, the Annual Appropriation for Auglaize County was accepted, having been prepared with the 2008 Annual Amended Official Certificate of Estimated Resources which was given to the Board of County Commissioners by the County Auditor; and

**WHEREAS**, Janet Schuler did inform the Board that monies were certified and unappropriated in the Indigent Appl Fee fund. Therefore, the Board will amend the 2008 Annual Appropriation as follows:

- Increase 048-0048-538000 by \$ 966.60**
- Increase 048-0048-538100 by \$ 1,786.46**

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners does order the 2008 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 16th day  
of December, 2008

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

John N. Bergman . yes  
John N. Bergman

Douglas A. Spencer . yes  
Douglas A. Spencer

Ivo J. Kramer . YES  
Ivo J. Kramer

Cc: County Auditor  
Juvenile, Probate, Domestic Relations Court

County Commissioners' Office  
Auglaize County, Ohio  
December 16, 2008

No 08-504

**IN THE MATTER OF AUTHORIZING BUDGET ADJUSTMENTS WITHIN THE DOG & KENNEL FUND.**

\*\*\*\*\*

The Board of County Commissioners of Auglaize County, Ohio, met in regular session on the 16th day of December, 2008.

Commissioner KRAMER moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, it has come to the attention of the Board that an inadequate balance exists in the Supplies line and the Contract Services line of the Dog & Kennel fund with which to pay current invoices due.

**THEREFORE, BE IT RESOLVED** that the Board does authorize the County Auditor to make budget adjustments as follows:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
<b>DOG &amp; KENNEL FUND</b>		
005-0002-538100 Claims	\$ 1,000.00	005-0002-530300 Supplies
005-0002-530400 Equipment	\$ 900.00	005-0002-530300 Supplies
005-0002-530400 Equipment	\$ 300.00	005-0002-530600 Contract Services

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

Adopted this 16th day  
Of December, 2008

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

John N. Bergman , yes  
John N. Bergman

Douglas A. Spencer , yes  
Douglas A. Spencer

Ivo J. Kramer , Yes  
Ivo J. Kramer

Cc: County Auditor