

**IN THE MATTER OF APPROVING THE PER GALLON MAINTENANCE FEE AT \$0.15 FOR ALL DEPARTMENTS UTILIZING THE COUNTY ENGINEER'S FUEL SYSTEM THROUGH JANUARY 1, 2025 THROUGH DECEMBER 31, 2025.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 3rd day of December, 2024.

Commissioner Bambauer moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, on December 12, 2013 in Resolution #13-563 the Board of County Commissioners did approve the former County Engineer Doug Reinhart's request that a \$0.15 maintenance fee be added to the monthly gasoline usage reports starting September 20, 2013 for all departments that utilize the County Engineer's fuel system; and;

**WHEREAS**, the Board adjusts the per gallon maintenance fee from time to time based on the maintenance needs of the fuel system and the recommendation of the County Engineer; and,

**WHEREAS**, the County Engineer has provided a report of fuel usage by each department, fund status and itemized payments for fuel and repairs along with a cost estimate of anticipated needs to the Board of County Commissioners of Auglaize County, Ohio during the annual budget process to determine the next year's maintenance fee; and,

**WHEREAS**, during the budget process the maintenance fee for 2025 was discussed with the recommendation that the current maintenance fee of \$0.15 per gallon remain the same as \$0.15 per gallon for 2025.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Auglaize County, Ohio, does hereby approve the per gallon maintenance fee at \$0.15 per gallon for departments utilizing the County Engineer's fuel system for 2025.

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

Adopted this  
3rd day of  
December, 2024

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

Douglas A. Spencer, Yes  
Douglas A. Spencer

David Bambauer, Yes  
David Bambauer

John N. Bergman, Yes  
John N. Bergman

cc: County Engineer  
County Auditor  
Affected Entities

County Commissioners' Office  
Auglaize County, Ohio  
December 3, 2024

NO.           #24-584          

**IN THE MATTER OF AUTHORIZING THE PAYMENT OF THE COUNTY'S MANDATED SHARE OF PUBLIC ASSISTANCE FOR DECEMBER.**

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The Board of County Commissioners of Auglaize County, Ohio, met in regular session on the 3rd day of December, 2024.

Commissioner David Bambauer moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, it is necessary to pay the county's mandated share of Public Assistance for December.

**THEREFORE, BE IT RESOLVED** that the Board does authorize the County Auditor to make the following payment:

**From: 001-0905-533500 – Public Assistance Grant  
Amount: \$ 4,983.84  
To: 006-0400-400101 – Public Assistance**

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

Adopted this 3rd day  
of December, 2024

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

Douglas A. Spencer Yes  
Douglas A. Spencer

David Bambauer Yes  
David Bambauer

John N. Bergman Yes  
John N. Bergman

cc: County Auditor  
Jobs & Family Services

**IN THE MATTER OF AUTHORIZING CHANGE ORDER #030 TO THE CONTRACT WITH GRANGER CONSTRUCTION COMPANY FOR THE AUGLAIZE COUNTY JAIL EXPANSION PROJECT; AUTHORIZING THE PRESIDENT OF THE BOARD TO EXECUTE SAID CHANGE ORDER #030.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 3rd day of December, 2024.

Commissioner Bambauer moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, on February 13, 2024, in Resolution #24-092, the Board of County Commissioners executed a contract with Granger Construction Company as the Design-Builder for the Auglaize County Jail Expansion Project for the Guaranteed Maximum Price (GMP) for \$6,101,193.00; and,

**WHEREAS**, due to the following change order #030:

Change Order #030 – Add stair and mezzanine channel infills - \$4,290.00, add roof angle install - \$4,293.00 and add S Drywall & Acoustical - \$1,242.44.  
(Owner Contingency reduce by \$9,825.44); and,

**WHEREAS**, the total increase for the changes stated is zero dollars; and,

**WHEREAS**, the Board of County Commissioners has agreed to the change order; and,

**WHEREAS**, Change Order #030 has been prepared by Granger Construction Company reflecting above mentioned changes; same is to be executed by the President of the Board.

**THEREFORE, BE IT RESOLVED** that the Board of Commissioners, Auglaize County, Ohio, does hereby approve the Change Order #030 for the contract with Granger Construction Company for the Auglaize County Jail Expansion Project; and,

**BE IT FURTHER RESOLVED** that President of the Board is hereby authorized to execute said Change Order #030 as presented by Granger Construction Company, thereby reducing the owner's contingency amount.

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

Adopted this  
3rd day of  
December, 2024

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

Douglas A. Spencer, Yes  
Douglas A. Spencer

David Bambauer, Yes  
David Bambauer

John N. Bergman, Yes  
John N. Bergman

cc: Granger Construction Company  
County Administrator  
HDR



PCO #00-030

Granger Construction Company  
400 Lazelle Rd STE 18A  
Columbus, Ohio 43240  
Phone: +16147052280

Project: 2338-00 - Auglaize County Jail Expansion  
1051 Dearbaugh Ave  
Wapakoneta, Ohio 45895

### Prime Contract Potential Change Order #00-030: PCO 021 Stair Mezzanine Channel Infills/Roof Angle Install

<b>TO:</b>	Auglaize County 209 South Blackhoof St. Rm 201 Wapakoneta, Ohio 45895	<b>FROM:</b>	Granger Construction Co 6267 Aurelius Road Lansing, Michigan 48911
<b>PCO NUMBER/REVISION:</b>	00-030 / 0	<b>CONTRACT:</b>	2338-00 - Auglaize County Jail Expansion
<b>REQUEST RECEIVED FROM:</b>		<b>CREATED BY:</b>	Chrissy Anderson (Granger Construction Co)
<b>STATUS:</b>	Pending - Proceeding	<b>CREATED DATE:</b>	11/15/2024
<b>REFERENCE:</b>		<b>PRIME CONTRACT CHANGE ORDER:</b>	None
<b>FIELD CHANGE:</b>	No		
<b>LOCATION:</b>		<b>ACCOUNTING METHOD:</b>	Amount Based
<b>SCHEDULE IMPACT:</b>		<b>PAID IN FULL:</b>	No
<b>EXECUTED:</b>	No	<b>SIGNED CHANGE ORDER RECEIVED DATE:</b>	
		<b>TOTAL AMOUNT:</b>	\$0.00

POTENTIAL CHANGE ORDER TITLE: PCO 021 Stair Mezzanine Channel Infills/Roof Angle Install

CHANGE REASON: Transfer

POTENTIAL CHANGE ORDER DESCRIPTION: (The Contract is Changed As Follows)

- PCO 021 Stair Mezzanine Channel Infills
  - This portion of this change order is to infill the stair and mezzanine structural channels in B122. This work will be funded by the Design-Build Contingency.
  - Total Value of Work: \$4,290.00
- PCO 021 Roof Angle Install
  - This portion of this change order is to install angles along the roof level to close the gap between the existing and new roof. This work will be funded by the Roof Unforeseen Conditions allowance.
  - Total Value of Work: \$4,293.00
- PCO 021 Batt Insulation
  - This portion of this change order is to install batt insulation along the roof level to close the gap between the existing and new roof. This work will be funded by the Roof Unforeseen Conditions allowance.
  - Total Value of Work: \$1,242.44

ATTACHMENTS:

#	Budget Code	Description	Amount
1	00-05100- .S Structural Steel - FOUNDATION STEEL.Subcontracts	Add Stair and Mezzanine Channel Infills	\$4,290.00
2	00-05100- .S Structural Steel - FOUNDATION STEEL.Subcontracts	Add Roof Angle Install	\$4,293.00
3	00-01210-00 .A Allowances (Owner) < DB Contingency > .Allowances	Fund Stair and Mezzanine Channel Infills	\$(4,290.00)

#	Budget Code	Description	Amount
4	00-01210-10 .A Allowances (Owner) <Roof Unfore. Allowance>. Allowances	Fund Roof Angle Install	\$(5,535.44)
5	00-09200- .S Drywall & Acoustical - VALLEY INC..Subcontracts	Fund for Roof Insulation	\$1,242.44
<b>Grand Total:</b>			<b>\$0.00</b>

**Auglaize County**  
209 South Blackhoof St. Rm 201  
Wapakoneta, Ohio 45895

  
SIGNATURE

12/13/24  
DATE

**Granger Construction Co**  
6267 Aurelius  
Lansing, Michi 48911

  
SIGNATURE

Christine Anderson  
DATE

Digitally signed by Christine Anderson  
DN: cn=Christine Anderson,  
ou=Granger Construction Co,  
o=Granger Construction Company,  
email=christine.anderson@grangerconstruction.com,  
c=US

**IN THE MATTER OF AUTHORIZING BUDGET ADJUSTMENTS.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 3rd of December, 2024.

Commissioner Bamber moved the adoption of the following:

**RESOLUTION**

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

<b><u>Public Assistance Fund:</u></b>			
<b>Amount:</b>	<b>From:</b>	<b>To:</b>	
\$38,000.00	006.0008.530600 (Contract Services)	006.0008.538900 (Day Care)	
\$20,000.00	006.0008.530900 (Other)	006.0008.510200 (Salaries)	
\$3,000.00	006.0008.530900 (Other)	006.0008.530700 (Travel)	
<b><u>Handgun License Fund:</u></b>			
<b>Amount:</b>	<b>From:</b>	<b>To:</b>	
\$100.00	020.0020.530400 (Handgun Equipment)	020.0020.530300 (Handgun-supplies)	
<b><u>ODOT Apron Rehab Phase 2 Fund:</u></b>			
<b>Amount:</b>	<b>From:</b>	<b>To:</b>	
\$2,759.18	087.0087.530600 (Contract Services)	087.0087.531000 (Administration)	
<b><u>ODOT Beacon Grant Fund:</u></b>			
<b>Amount:</b>	<b>From:</b>	<b>To:</b>	
\$5,788.93	091.0091.531100 (Administration)	091.0091.530600 (Contract Services)	
<b><u>General Fund:</u></b>			
<b>Amount:</b>	<b>From:</b>	<b>To:</b>	
\$24,975.00	001.0701.530900 (Farm Expense)	001.0402.530600 (Contract Services)	

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Auglaize County, Ohio does hereby authorize the County Auditor to complete the budget adjustments as mentioned above.

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

Adopted this  
3rd day of  
December, 2024

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

Douglas A. Spencer  
Douglas A. Spencer

David Bamber  
David Bamber

John N. Bergman  
John N. Bergman

cc:  County Auditor  
 JFS  
 Sheriff  
 County Administrator

County Commissioners Office  
Auglaize County, Ohio  
December 3, 2024

NO. #24-587

**IN THE MATTER OF AUTHORIZING REIMBURSEMENT OF EXPENSES 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 3rd day of December, 2024.

Commissioner  moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, Sam Philipot, Drainage 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 or re-evaluated 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:

<i>ditch name</i>	<i>FROM: Construction / Maintenance Account</i>	<i>To: Account number</i>	<i>Amount</i>	<i>Notes</i>
FISHER DITCH (Re-evaluation)	718.0718.535900	001.0700.401800	\$10.08	postage
SANTOMIERI DITCH (Re-Evaluation)	747.0747.535900	001.0700.401800	\$7.68	postage
COGAN DITCH (Re-evaluation)	755.0755.535900	001.0700.401800	\$7.68	postage
KELLERMAYER DITCH (Re-evaluation)	753.0753.535900	001.0700.401800	\$3.20	postage
KELLERMAYER #2 DITCH (Re-evaluation)	848.0848.535900	001.0700.401800	\$12.80	postage
PRAIRIE CREEK #2 DITCH (Re-evaluation)	869.0869.535900	001.0700.401800	\$36.63	postage
PRAIRIE DITCH (Re-evaluation)	773.0773.535900	001.0700.401800	\$171.70	postage
GRUBBS DITCH (Re-evaluation)	428.0428.535900	001.0700.401800	\$1.52	postage
GRUBBS #2 DITCH (Re-evaluation)	822.0822.535900	001.0700.401800	\$19.36	postage
KOHLER #1 DITCH (Re-evaluation)	790.0790.535900	001.0700.401800	\$10.84	postage
MCNAME PETERSON DITCH (Re-evaluation)	437.0737.535900	001.0700.401800	\$8.00	Postage
WARMAN DITCH (Re-evaluation)	467.067.535900	001.0700.401800	\$34.40	Postage
WARMAN #3 DITCH (Re-evaluation)	864.0864.535900	001.0700.401800	\$24.92	Postage
RAMGA SEIBERT DITCH (Re-evaluation)	448.0448.535900	001.0700.401800	\$11.66	Postage
EASTERLY DITCH (Re-evaluation)	844.0844.535900	001.0700.401800	\$10.36	Postage
WERNER #2 Ditch (Re-evaluation)	707.0707.535900	001.0700.401800	\$49.95	Postage
DANAHER DITCH (Re-evaluation)	810.0810.535900	001.0700.401800	\$52.38	Postage
KILGER DITCH (Re-evaluation)	776.0776.535900	001.0700.401800	\$18.08	Postage
DOWNEY DITCH (Re-evaluation)	821.0821.535900	001.0700.401800	\$6.72	Postage

MCCUNE DITCH (Re-evaluation)	480.0480.535900	001.0700.401800	\$5.36	Postage
BENZING DITCH (Re-evaluation)	710.0710.535900	001.0700.401800	\$29.64	Postage
DOWTY DITCH	304.0304.535800 304.0304.535700 304.0304.535700	673.0100.400200 002.0500.400100 001.0700.401800	\$0.00 \$14,940.37 \$886.66	
KOENIG DITCH	371.0371.535800 371.0371.535700 371.0371.535700	671.0100.400200 002.0500.400100 001.0700.401800	\$0.00 \$8,845.33 \$517.54	
EWALD DITCH	352.0352.535800 352.0352.535700 352.0352.535700	672.0100.400200 002.0500.400100 001.0700.401800	\$0.00 \$18,018.75 \$492.11	
CHRIST HENGSTLER DITCH	365.0365.535800 365.0365.535700 365.0365.535700	675.0100.400200 002.0500.400100 001.0700.401800	\$25,064.19 \$0.00 \$0.00	CLOSE ACCOUNT
SHEIPLINE DITCH	308.0306.535800 308.0306.535700 308.0306.535700	677.0100.400200 002.0500.400100 001.0700.401800	\$64,104.32 \$0.00 \$0.00	CLOSE ACCOUNT
HOLLMAN DITCH	344.0344.535800 344.0344.535700 344.0344.535700	674.0100.400200 002.0500.400100 001.0700.401800	\$0.00 \$0.00 \$0.00	

**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 expenses as stated.

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

Adopted this  
3rd day of  
December, 2024

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

Douglas A. Spencer Yes  
Douglas A. Spencer

David Bambauer Yes  
David Bambauer

cc: John N. Bergman Yes  
County Engineer  
County Auditor



County Commissioners Office  
Auglaize County, Ohio  
December 3, 2024

No. #24-588

**IN THE MATTER OF DECLARING RESOLUTION #24-481 NULL AND VOID AS REQUESTED BY THE AUGLAIZE COUNTY ADMINISTRATOR.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 3rd day of December, 2024.

Commissioner Bambauer moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, on September 24, 2024, in Resolution #24-481, the Board of County Commissioners approved the requesting from the County Auditor, the amount of revenue generated by a 0.85 replacement levy for the Auglaize County Board of Health; and,

**WHEREAS**, the County Administrator has informed the Board of County Commissioners the wording should be a replacement with a decrease.

**THEREFORE BE IT RESOLVED**, the Board of Commissioners of Auglaize County, Ohio at the request and direction of the Auglaize County Administrator does hereby declare the following Resolution null and void: **Resolution #24-481 Matter of requesting from the County Auditor, the amount of revenue generated by a 0.85 replacement levy for the Auglaize County Board of Health.**

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

Adopted this  
3rd day of  
December, 2024

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

Douglas A. Spencer, Yes  
Douglas A. Spencer

David Bambauer, Yes  
David Bambauer

John N. Bergman, Yes  
John N. Bergman

cc: County Auditor  
Auglaize County Board of Health – Oliver Fisher  
Board of Elections

County Commissioners Office  
Auglaize County, Ohio  
December 3, 2024

NO. #24-589

**IN THE MATTER OF REQUESTING FROM THE COUNTY AUDITOR, THE AMOUNT OF REVENUE GENERATED BY A 0.85 REPLACEMENT LEVY WITH A DECREASE FOR THE AUGLAIZE COUNTY BOARD OF HEALTH.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 3rd day of December, 2024.

Commissioner *David Bambauer* moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, the Board of County Commissioners has received correspondence from Oliver N. Fisher, Health Commissioner of the Auglaize County Board of Health, informing the Board that the ten (10) year health levy presently in place is due to expire this year; and,

**WHEREAS**, Health Commissioner Fisher stated that the Auglaize County Board of Health would like to place this levy on the May 6, 2025 ballot, asking electors to approve a 0.85 mills replacement levy with a decrease; and,

**WHEREAS**, pursuant to the Ohio Revised Code Section 307.85 and Section 5705.19 the Board of County Commissioners is authorized to give financial assistance for the provision or maintenance of health programs of the Auglaize County Combined General Health District; and,

**WHEREAS**, the Board of County Commissioners has determined that it is necessary to approve the levy for the Auglaize County Board of Health for a tax outside the ten-mill limitation for the purpose mentioned above.

**THEREFORE BE IT RESOLVED**, the Board of Commissioners of Auglaize County, Ohio, being authorized in the Ohio Revised Code Section 5705.25 and pursuant to Ohio Revised Code Section 5705.03 (B), does hereby request the Auglaize County Auditor to certify to said Board the dollar amount of revenue that would be generated by the millage as stated by the Auglaize County Board of Health; same being 0.85 mills replacement levy with a decrease; and,

**BE IT FURTHER RESOLVED** that the dollars generated by the levy would be used for provision and maintenance of services to the health district through the Auglaize County Board of Health as provided in Ohio Revised Code.

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

Adopted this  
3rd day of  
December, 2024

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

*Douglas A. Spencer*, *Yes*  
Douglas A. Spencer

*David Bambauer*, *Yes*  
David Bambauer

*John N. Bergman*, *Yes*  
John N. Bergman

cc: County Auditor (certified)  
*Oliver Fisher*  
Auglaize County Board of Health -- Oliver Fisher  
*Board of Elections*

**IN THE MATTER OF AMENDING THE ANNUAL APPROPRIATION DUE TO MONEYS CERTIFIED AND NOT APPROPRIATED.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 3rd day of December, 2024.

Commissioner Bambauer moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, the Board has received a request from the Auglaize County Auditor to increase the 2024 Annual Appropriation with moneys that were certified and unappropriated; and,

**WHEREAS**, Real Estate Assessment Fund:

**Increase 014.0012.536600 (Hospitalization) by \$7,500.00.**

**THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Auglaize County, Ohio, does hereby authorize the 2024 Annual Appropriation Resolution to be amended to show the increase as tabulated above.

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

Adopted this  
3rd day of  
December, 2024

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

Douglas A. Speneer, Yes  
Douglas A. Speneer

David Bambauer, yes  
David Bambauer

John N. Bergman, yes  
John N. Bergman

cc:  County Auditor  
 County Administrator

County Commissioners Office  
Auglaize County, Ohio  
December 3, 2024

NO.           #24-591          

**IN THE MATTER OF SETTING AMOUNTS OF BONDS FOR ELECTED OFFICIALS FOR TERMS BEGINNING 2025.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 3rd day of December, 2024.

Commissioner Bambauer moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, pursuant to the Ohio Revised Code, the Board of County Commissioners must set the bonds for certain elected officials which have been newly elected or re-elected; and,

**WHEREAS**, the bond amounts which may be obtained by each County Elected Official whose terms begin 2025 are:

- Clerk of Courts – for Common Pleas Court – \$10,000 - \$40,000**
- Treasurer – not less than \$5,000 or more than \$20,000 to be set by the County Commissioners**
- Engineer - \$2,000 to \$10,000**
- Coroner - \$5,000 to \$50,000**
- Recorder – not less than \$10,000**
- Sheriff - \$5,000 to \$50,000**
- Commissioners – not less than \$5,000.**

**THEREFORE BE IT RESOLVED**, that the Board of County Commissioners, Auglaize County, Ohio, pursuant to the Ohio Revised Code, does hereby set the bond amounts for the newly elected or re-elected officials as follows:

- Clerk of Courts – for Common Pleas Court – \$10,000**
- Treasurer – \$10,000**
- Engineer - \$2,000**
- Coroner - \$5,000**
- Recorder – \$10,000**
- Sheriff - \$10,000**
- Commissioners – \$5,000.**

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

Adopted this  
3rd day of  
December, 2024

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

Douglas A. Spencer, Yes  
Douglas A. Spencer

David Bambauer, yes  
David Bambauer

John N. Bergman, yes  
John N. Bergman

cc: Officials as listed  
Prosecuting Attorney

**IN THE MATTER OF ACCEPTING THE RENEWAL FROM BRIGHTLY SOFTWARE INC. (FORMERLY DUDE SOLUTIONS) FOR THE SOFTWARE NAMED ASSET ESSENTIALS CORE PLUS FOR THE AUGLAIZE COUNTY BOARD OF COMMISSIONERS.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 3rd day of December, 2024.

Commissioner Bambauer moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, Brightly Software Inc. (formerly Dude Solutions) has submitted an invoice of \$6,923.01 for the renewal of the software Asset Essentials Core Plus for the Maintenance Department for Auglaize County.

**THEREFORE BE IT RESOLVED** by the Board of Commissioners of Auglaize County, Ohio does hereby approve and authorize the renewal of the software and maintenance from Brightly Software Inc. (formerly Dude Solutions) in the amount of \$6,923.01 for the Maintenance Department of Auglaize County.

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

Adopted this  
3rd day of  
December, 2024

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

Douglas A. Spencer, Yes  
Douglas A. Spencer

David Bambauer, yes  
David Bambauer

John N. Bergman, yes  
John N. Bergman

cc: Brightly Software Inc.  
Maintenance Supervisor



## Cloud Services Subscription

Item	Investment Year 2 Start Date: 01/01/2026	Investment Year 3 Start Date: 01/01/2027
- Facilities/Physical Plant Module	Included	Included
Asset Essentials Core Plus	6,923.01 USD	6,923.01 USD
- Asset Essentials Inventory	Included	Included
Total:	6,923.01 USD	6,923.01 USD



### **Order terms**

BY SIGNING THIS ORDER FORM, WHETHER BY ELECTRONIC OR WRITTEN SIGNATURE, YOU ARE PLACING A BINDING ORDER FOR THE OFFERINGS SHOWN. IF THE INDIVIDUAL ENTERING INTO THIS AGREEMENT IS ACCEPTING ON BEHALF OF A COMPANY OR OTHER LEGAL ENTITY, THE INDIVIDUAL REPRESENTS THAT THEY HAVE THE AUTHORITY TO BIND SUCH ENTITY AND ITS AFFILIATES TO THE TERMS AND CONDITIONS OF THIS AGREEMENT, IN WHICH CASE THE TERM "CUSTOMER" SHALL REFER TO SUCH ENTITY AND ITS AFFILIATES. IF THE INDIVIDUAL ACCEPTING THIS AGREEMENT DOES NOT HAVE SUCH AUTHORITY OR DOES NOT AGREE WITH THE TERMS AND CONDITIONS SET FORTH HEREIN, THE INDIVIDUAL MUST NOT ACCEPT THIS AGREEMENT AND MAY NOT USE THE OFFERINGS.

- A. The "Effective Date" of the Agreement between Customer and Brightly Software, a Siemens Company ("Siemens") is the date Customer accepts this Order
- B. Proposal expires in sixty (60) days.
- C. The Siemens entity entering into this Agreement is Brightly Software, Inc., a Delaware corporation, and the notice address shall be Corporate Trust Center, 1209 Orange Street, Wilmington, DE 19801 USA, Attn: Brightly Software.
- D. By accepting this Order, and notwithstanding anything to the contrary in any other purchasing agreement, Customer agrees to pay all relevant Subscription Fees for the full Subscription Term defined above.
- E. Payment terms: Net 30
- F. This Order and its Offerings will be subject to the terms and conditions of the Terms of Service (the Base Terms together with any applicable Supplemental Terms) found at <http://brightlysoftware.com/terms> (<http://brightlysoftware.com/terms>) ("Agreement"), unless Customer has a separate written agreement executed by Brightly Software, Inc. for the Offerings, in which case the separate written agreement will govern its defined Term. Acceptance is expressly limited to the terms of the Agreement. No other terms and conditions will apply. The terms of any purchase order or other document from Customer are excluded and such terms will not apply to the Order and will not supplement or modify the Agreement irrespective of any language to the contrary in such document.
- G. Where the Customer is a state, local, or public education entity created by the laws of the applicable state, Siemens and Customer agree that the provisions of the State, Local Government, and Higher Education Addendum ("SLED Addendum") found at <http://brightlysoftware.com/terms> (<http://brightlysoftware.com/terms>) take precedence over any conflicting terms in the Agreement to the extent the deviations set forth therein are required by applicable law.
- H. Siemens shall invoice Customer and Customer agrees to pay Siemens the amount specified on this Order. Quantities purchased may not be decreased during the relevant Subscription Term. Customer is responsible for providing complete and accurate billing and contact information to Siemens and notifying Siemens promptly of any changes to such information.
- I. If Customer is paying by credit card or Automated Clearing House ("ACH"), Customer shall establish and maintain valid and updated credit card information or a valid ACH auto debit account (in each case, the "Automatic Payment Method"). Upon establishment of such Automatic Payment Method, Siemens is hereby authorized to charge any applicable Subscription Fee using such Automatic Payment Method.
- J. Customer is responsible for paying all taxes associated with its purchases hereunder. Siemens shall invoice Customer and Customer shall pay that amount unless Customer provides Siemens with a valid tax exemption



- certificate, direct pay permit, or other government-approved documentation. Notwithstanding the foregoing, Customer is responsible for, and, to the extent permitted by law, will indemnify Siemens for: 1) any encumbrance, fine, penalty or other expense which Siemens may incur as a result of Customer's failure to pay any taxes required hereunder, and 2) any taxes, including withholding taxes, resulting from making an Offering available to Users in geographic locations outside the country in which Customer is located as per the Order. For clarity, Siemens is solely responsible for taxes assessable against Siemens based on its income, property and employees.
- K. Siemens maintains the right to increase fees within the Subscription Term for Recurring Fee Offerings by an amount not to exceed the greater of prices shown in the investment table or the applicable CPI and other applicable fees and charges every 12 months. Any additional or renewal Subscription Terms will be charged at the then-current rate.
- L. In the event Customer purchases the Cloud Services (including any renewals thereof) through an authorized reseller of Siemens, the terms and conditions of this Agreement shall apply and supersede any other agreement except for any terms and conditions related to fees, payment or taxes. Such terms and conditions shall be negotiated solely by and between Customer and such authorized reseller. In the event Customer ceases to pay the reseller, or terminates its agreement with the reseller, Siemens shall have the right to terminate Customer's access to the Cloud Services at any time upon thirty (30) days' notice to Customer unless Customer and Siemens have agreed otherwise in writing.

#### **Cloud Services**

- A. Billing frequency: Annual
- B. Cloud Services Offerings will be subject to the terms and conditions of the General Software and Cloud Supplemental Terms found at <http://brightlysoftware.com/terms> (<http://brightlysoftware.com/terms>).
- C. Any Offerings identified as Cloud Services on this Order shall automatically renew for additional periods equal to the expiring Subscription Term or one year, whichever is longer, unless either party has provided written notice of its intent to terminate the Cloud Service subscription not less than forty-five (45) days prior to the expiration of the then-current Subscription Term.
- D. During the Term, Siemens shall, as part of Customer's Subscription Fees, provide telephone and email support ("Support Services") during the hours of 8:00 AM and 6:00 PM EST, Monday through Friday ("Business Hours"); excluding holidays.
- E. Siemens shall use commercially reasonable efforts to make its Software or Cloud Service available 99.9% of the time for each full calendar month during the Subscription Term, determined on twenty-four (24) hours a day, seven (7) days a week basis (the "Service Standard"). The Service Standard availability for access and use by Customer(s) excludes unavailability when due to: (a) any access to or use of the Cloud Service by Customer or any Account User that does not strictly comply with the terms of the Agreement or the Documentation; (b) any failure of performance caused in whole or in part by Customer's delay in performing, or failure to perform, any of its obligations under the Agreement; (c) Customer's or its Account User's Internet connectivity; (d) any Force Majeure Event; (e) any failure, interruption, outage, or other problem with internet service or non-Cloud Service; (f) Scheduled Downtime; or (g) any disabling, suspension, or termination of the Cloud Service by Siemens pursuant to the terms of the Agreement. "Scheduled Downtime" means, with respect to any applicable Cloud Service, the total amount of time (measured in minutes) during an applicable calendar month when such Cloud Service is unavailable for the majority of Customer's Account Users due to planned Cloud Service maintenance. To the extent reasonably practicable, Siemens shall use reasonable efforts to provide eight (8) hours prior notice of Cloud Service maintenance events and schedule such Cloud Service maintenance events outside the applicable





business hours.

- F. Siemens reserves the right to block IP addresses originating a Denial of Service (DoS) attack. Siemens shall notify Customer should this condition exist and inform Customer of its action. Once blocked, an IP address shall not be able to access the Cloud Service and the block may be removed once Customer is satisfied corrective action has taken place to resolve the issue. Siemens also reserves the right to suspend or terminate service if Customer: 1) performs load tests, network scans, penetration tests, ethical hacks or any other security auditing procedure on the Cloud Service, 2) interferes with or disrupts the integrity or performance of the Cloud Service or data contained therein, or 3) otherwise violates the use restrictions under this Agreement.

**Additional information**

- A. Prices shown above do not include any taxes that may apply. Any such taxes are the responsibility of Customer. This is not an invoice. For customers based in the United States, any applicable taxes will be determined based on the laws and regulations of the taxing authority(ies) governing the "Ship To" location provided by Customer. Tax exemption certifications can be sent to [accountsreceivable@brightlysoftware.com](mailto:accountsreceivable@brightlysoftware.com)
- B. Billing frequency other than annual is subject to additional processing fees.
- C. Provide Siemens with the purchase order number, if applicable. Acceptance of this Order without a purchase order number indicates that a purchase order is not necessary. Please reference Q-424773 on any applicable purchase order and email to [Purchaseorders@Brightlysoftware.com](mailto:Purchaseorders@Brightlysoftware.com)
- D. Brightly Software, Inc. can provide evidence of insurance upon request.



## Signature

Presented to:

Q-424773

November 25, 2024, 4:47:25 PM

Accepted by:

Douglas A. Spencer

Printed Name

Douglas A. Spencer

Signed Name

JHL

Title

December 3, 2024

Date