

Date: FEBRUARY 22, 2018

In the: THE JOINT BOARD OF COMMISSIONERS FOR MILE CREEK AND LORAMIE
matter of: CREEK APPROVING AN AMENDMENT TO CONTRACT WITH RIGHT OF WAY
MANAGEMENT FOR HERBICIDAL SPRAY OF MILE CREEK AND LORAMIE CREEK

The Joint Board of County Commissioners for Mile Creek and Loramie Creek convened on the 22nd day of February, 2018, with the following members present: Mercer: Mr. Jerry Laffin, Mr. Rick Muhlenkamp, and Mr. Greg Homan; Auglaize: John Bergman, Don Regula, and Douglas Spencer; Darke: Michael Rhoades and Michael Stegall; Shelby: Robert Guillozet and Julie Ehemann.

Mr. Robert Guillozet moved the adoption of the following:

RESOLUTION #18-193

WHEREAS, pursuant to Resolution #17-468, A DITCH CONTRACT dated the 11th day of May, 2017 was entered into by and between the Mile Creek Joint Board of County Commissioners hereinafter designated as "Joint Board" and **Right of Way Management, Inc.**, 5843 County Road 59, Ste. A, St. Joe, IN 46785 hereinafter designated as "Contractor"; and

WHEREAS, according to the bidding documents and upon sufficient proof of material price increases being submitted, a price adjustment with materials costs may be granted if agreed upon between the Contractor and Joint Board; and

WHEREAS, the Contractor has submitted the following bid for the renewal of the contract for the 2018 application:

Price per acre: \$74.17
Total Bid price based upon 150.3 acres treated: \$11,148.20

WHEREAS, the Joint Board has considered the price adjustment and supporting documentation and hereby find the 2018 application price as reasonable; and

WHEREAS, the amendment to the contract is as follows, subject to all other terms and conditions of the previously written Contract:

Right of Way Management, Inc. for and consideration of the sum of Eleven Thousand One Hundred Forty-eight 20/100 Dollar (\$11,148.20) to be paid as hereinafter specified, hereby agree to furnish unto the Joint Board of County Commissioners all the necessary materials, and do all the work and labor required for herbicidal spraying of Loramie Creek and Mile Creek in accordance with plans, drawings and specifications for the same.

The Joint Board of Commissioners for and in consideration of the true and faithful performance of the work and labor and furnishings of the materials as aforesaid, hereby agrees to pay unto Right of Way Management, Inc. the sum of Eleven Thousand One Hundred Forty-eight 20/100 Dollar (\$11,148.20), upon the certificate of acceptance of the County Engineer in charge and as provided by law.

NOW, THEREFORE BE IT RESOLVED, the Joint Board of County Commissioners hereby agree to the terms of the Amendment to Ditch Contract with Right of Way Management, Inc. and authorizes the execution thereof in counterparts on this 22nd day of February, 2018.

Mr. Michael Rhoades seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

John Bergman, Yes;	Don Regula, Yes;	Douglas Spencer, Yes;	Michael Rhoades, Yes;
Michael Stegall, Yes;	Robert Guillozet, Yes;	Julie Ehemann, Yes;	Mr. Homan, Yes;
Mr. Laffin, Yes;	Mr. Muhlenkamp, Yes;		

ATTEST:

Admin./Clerk of the Board

cc: Engineer

AMENDMENT TO DITCH CONTRACT
Between Right of Way Management and Mile Creek Joint Board of County Commissioners

A DITCH CONTRACT was made and entered into on the 11th day of May, 2017 by and between the Mile Creek Joint Board of County Commissioners hereinafter designated as "Joint Board" and Right of Way Management, Inc., 5843 County Road 59, Ste. A, St. Joe, IN 46785 hereinafter designated as "Contractor"; and

WHEREAS, according to the bidding documents and upon sufficient proof of material price increases being submitted, a price adjustment with materials costs may be granted if agreed upon between the Contractor and Joint Board; and

WHEREAS, the Contractor has submitted the following bid for the renewal of the contract for the 2018 application:

Price per acre: \$74.17
Total Bid price based upon 150.3 acres treated: \$11,148.20

WHEREAS, the Joint Board has considered the price adjustment and supporting documentation and hereby find the 2018 application price as reasonable;

NOW, THEREFORE BE IT RESOLVED, this is an AMENDMENT to the contract between the Mile Creek Joint Board of County Commissioners and Right of Way Management, Inc. for herbicidal spraying Mile Creek and Loramie Creek;

The amendment to the contract is as follows, subject to all other terms and conditions of the previously written Contract:

Right of Way Management, Inc. for and consideration of the sum of Eleven Thousand One Hundred Forty-eight 20/100 Dollar (\$11,148.20) to be paid as hereinafter specified, hereby agree to furnish unto the Joint Board of County Commissioners all the necessary materials, and do all the work and labor required for herbicidal spraying of Loramie Creek and Mile Creek in accordance with plans, drawings and specifications for the same.

The Joint Board of Commissioners for and in consideration of the true and faithful performance of the work and labor and furnishings of the materials as aforesaid, hereby agrees to pay unto Right of Way Management, Inc. the sum of Eleven Thousand One Hundred Forty-eight 20/100 Dollar (\$11,148.20), upon the certificate of acceptance of the County Engineer in charge and as provided by law.

In Witness Whereof, the said parties have hereunto set their hands and seals and have executed this Amendment in multiple counterparts on this 14 day of February, 2018.

RIGHT OF WAY MANAGEMENT, INC.

By: Chadd A. Baker Signature Signed in presence of: Kayla Baker
Chadd A. Baker president Printed Name & Title

MILE CREEK JOINT BOARD OF COUNTY COMMISSIONERS

BOARD OF MERCER COUNTY COMMISSIONERS

Rich Mullins Attest: K. E. Mullins
Joe D. Mullins
Jerry D. Mullins

BOARD OF AUGLAIZE COUNTY COMMISSIONERS

Attest: Eden Luffel

Rayden A. Spence
Don Bagula
John H. Baggett

BOARD OF AUGLAIZE COUNTY COMMISSIONERS

Attest: _____

BOARD OF DARKE COUNTY COMMISSIONERS

Attest: Robin L. Smith 2/22/18

Michael J. Smith
Michael J. Smith

BOARD OF AUGLAIZE COUNTY COMMISSIONERS

Attest: _____

BOARD OF DARKE COUNTY COMMISSIONERS

Attest: _____

BOARD OF SHELBY COUNTY COMMISSIONERS

Attest: Pamela Hendrix

Shirley R. Hendrix
Robert R. Hendrix

IN THE MATTER OF APPROVING THE CONTRACT WITH POGGEMEYER DESIGN GROUP, INC. FOR PROFESSIONAL SERVICES FOR THE PREPARATION AND SUBMISSION OF THE FY 2018 COMMUNITY HOUSING IMPACT AND PRESERVATION PROGRAM (CHIP) GRANT APPLICATION.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 27th day of February, 2018.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, the State of Ohio, Ohio Development Services Agency (ODSA) Office of Community Development provides financial assistance to local governments for the purpose of addressing local housing needs; and,

WHEREAS, the Auglaize County Board of County Commissioners will be submitting an application to the Ohio Office of Housing and Community Partnerships for a Small Cities Community Development Block Grant Community Housing Impact and Preservation Program (CHIP) grant for FY 2018; and,

WHEREAS, Poggemeyer Design Group, Inc. has submitted a letter contract to the Board for said firm to provide professional planning services to assist the County, for the lump sum fee of \$10,000.00, with the preparation of the FY 2018 CHIP grant application, scheduling and convening the required public hearings, revamping the County's Housing Advisory Committee (HAC), convening one meeting of said HAC, distributing the Community Services Resource Guide to HAC members and other county social service organizations and the submittal of said application for the FY 2018 CHIP Grant via the state's OCEAN software program by the deadline date of Friday, May 4, 2018; and,

WHEREAS, the Board of County Commissioners has reviewed the contract finding same to be in order and reasonable.

THEREFORE BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio does hereby approve the letter contract for professional planning services of Poggemeyer Design Group, Inc. for the assistance in the application procedure for the FY 2018 CHIP Grant at the terms so specified in said contract; and,

BE IT FURTHER RESOLVED that said Board authorizes the President of the Board, Douglas A. Spencer, to execute said letter contract.

Commissioner Bergman seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:
Adopted this
27th day of
February, 2018

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

cc: Poggemeyer Design Group, Inc.

February 20, 2018

Ms. Erica Preston, County Administrator
Auglaize County Board of Commissioners
209 South Blackhoof Street, Room 201
Wapakoneta, Ohio 45895

Re: Contract for Preparation of Auglaize County's FY 2018 CHIP Grant Application
Opportunity No. 351000-00092

Dear Ms. Preston:

Poggemeyer Design Group, Inc. (PDG) is providing this letter contract for review and execution. PDG proposes to provide professional planning services to assist the County with preparation of its FY 2018 Community Housing Impact and Preservation Program (CHIP) Grant Application (hereinafter referred to as the "project").

The County shall be responsible for providing a detailed summary of the requirements for the project, including any special considerations or services needed. In addition, the County will provide all pertinent existing data related to this project to PDG.

Basic services provided under this contract will consist of the following:

- Preparing the County's FY2018 CHIP Grant Application based on the identified strategies outlined in the County's 2005-2009 CHIS and subsequent Housing Advisory Committee recommendations;
- Assisting with the scheduling and convening of the required public hearings necessary for the submittal of the County's CHIP Grant Application;
- Convening the County's Housing Advisory Committee (HAC) for one (1) meeting to review pertinent housing data, and local housing needs. This will include HAC members filling out the Community Services Resource Guide and Housing and Community Services Assessment forms (new for 2018). PDG will provide an overview of the current CHIS strategies, and assist the HAC formulate the County's FY2018 CHIP housing activities. The final agreed upon activities will be incorporated into the new FY18 form entitled, "Final Recommendations for CHIP Program Application" and;
- Electronically submitting the CHIP Grant application to the State of Ohio - Office of Community Development via the state's OCEAN software program by the deadline date of Friday, May 4, 2018.

PDG will complete these services following execution of this agreement by the May 4, 2018 CHIP Grant deadline.

The fee for providing these basic services is a time and expense fee based on PDG's current hourly rate schedule with a maximum fee of \$10,000, which includes reimbursables.

If work activities are required which are not included in the basic services described above, PDG can provide these based on its current hourly rate schedule.



Ms. Erica Preston, County Administrator
February 20, 2018
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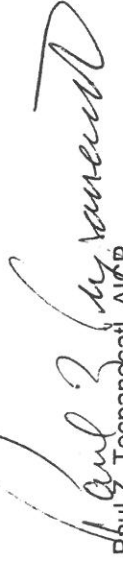
PDG will begin work on the project upon receipt of this executed letter contract and will complete its services within the time frame specified above.

This letter contract, with Exhibits A (1 page) and B (1 page), represents the entire agreement between PDG and the County in respect to the project and may only be modified in writing after agreement by both parties. If this letter contract accurately reflects your understanding of our agreement, please sign both originals of this letter contract in the space provided below and return one (1) original to PDG. This contract will be open for acceptance for a period of thirty (30) days, unless adjusted by PDG or the County in writing.

Should you have any questions, or require additional information, please do not hesitate to contact this office.

Sincerely,

POGEMEYER DESIGN GROUP, INC.


Paul Z. Tecpanecatl, AICP
Principal Owner

Accepted this 21st day of February, 2018 by the undersigned who is duly and legally authorized to enter into such legal contracts for the above-referenced entity.

By: 
Douglas A. Spencer
Title: President
Auglaize County Board of Commissioners

EXHIBIT A

1. OWNER'S RESPONSIBILITIES

OWNER shall provide all criteria and full information as to OWNER's requirements for the project and shall give prompt written notice to PLANNER whenever OWNER observes or otherwise becomes aware of any defect in the work. The OWNER may designate representatives to act with authority on OWNER's behalf on various aspects of the projects.

2. REIMBURSABLE EXPENSES

Reimbursable Expenses are included in the compensation fee for basic and additional services and are the actual expenses incurred by PLANNER or PLANNER's independent professional associates or consultants, directly or indirectly, in connection with the Project. These include expenses for: transportation; toll telephone calls; reproduction of reports; pictures, and similar Project-related items.

3. TERMINATION

The obligation to provide further services under this Agreement may be terminated by either party (upon seven day's written notice) in the event of substantial failure by the other party to perform in accordance with the terms hereof, through no fault of the terminating party. In the event of any termination, PLANNER will be paid in full for all services rendered to the date of termination, all Reimbursable Expenses and termination expenses.

4. SUCCESSORS AND ASSIGNS

OWNER and PLANNER each is hereby bound as are the partners, successors, executors, administrators and legal representatives of OWNER and PLANNER in respect to any covenants, agreements and obligations of this Agreement. Nothing contained in this Agreement shall prevent PLANNER from employing such independent professional associates and consultants as PLANNER may deem appropriate to help in the performance of services hereunder.

5. LIMITATION OF LIABILITY CLAUSE

The PLANNER's liability to the OWNER for any cause or combination of causes is, in the aggregate, limited to an amount no greater than the total compensation earned under this Agreement.



EXHIBIT B

1. **CERTIFICATE OF OWNER'S ATTORNEY**

I, Edward A. Pierce, the undersigned, duly authorized and acting legal representative of Auglaize County, do hereby certify as follows:

I have examined the attached contract and the manner of execution thereof, and I am of the opinion that each of the aforesaid agreements has been duly executed by the proper parties thereto acting through their duly authorized representatives; that said representatives have fully power and authority to execute said agreements on behalf of the respective parties named thereon; and that the foregoing agreements constitute valid and legally binding obligations upon the parties executing the same in accordance with terms, conditions and provisions thereof.

Date: 3-1-18 Seal:

Signed: Edward A. Pierce

Title: Prosecutor General

2. **CERTIFICATION REGARDING THE AVAILABILITY OF FUNDS**

Attest: I, Janet Schuler, Clerk/Auditor of Auglaize County hereby certify that the money to meet this contract has been lawfully appropriated for the purpose of this contract and is in the treasury of Auglaize County, or is in the process of collection to the credit of the appropriate fund, free from prior encumbrance.

Date: 2/27/2018 Seal:

Signed: Janet Schuler

Title: Auditor of Auglaize County

County Commissioners Office
Auglaize County, Ohio
February 27, 2018

NO. 18-087

IN THE MATTER OF AMENDING THE ANNUAL APPROPRIATION AS REQUESTED BY THE AUGLAIZE COUNTY DOG WARDEN.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 27th day of February, 2018.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, under date of January 2, 2018, the Annual Appropriation for Auglaize County was accepted, having been prepared with the 2018 Annual Amended Official Certificate of Estimated Resources which was given to the Board of County Commissioners by the County Auditor; and,

WHEREAS, County Auditor Janet Schuler informed the Board that an amendment was made to the Annual Amended Official Certificate of Estimated Revenue for the (078) Dog Sterilization Fund by \$500.00; and,

WHEREAS, Auglaize County Dog Warden requested that the Board amend the 2018 Annual Appropriation to reflect the following increase:

Increase – 078.0078.530600 (Contract Services) by \$500.00.

THEREFORE BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio, does hereby order the 2018 Annual Appropriation Resolution be amended to show the change 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
27th day of
February, 2018

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

ccy County Auditor - Janet Schuler
County Administrator
Dog Warden