

**IN THE MATTER OF FINDING FOR THE IMPROVEMENT OF THE ADAMS DITCH PROJECT;  
PETITIONED BY MELINDA SCHNEIDER AND OTHERS; SETTING DATE TO RECEIVE ENGINEER'S  
REPORTS ON SAID PROJECT.**

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The Board of Auglaize County Commissioners met in regular session on the 10th of June, 2014.

Commissioner Spencer moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, the Board of County Commissioners, in Resolution #14-126, dated March 6, 2014, set, May 22, 2014, for the first hearing of the petition of the Adams Ditch Project and amendment, the Board met in the Assembly Room – 2nd Floor at the Administration Building and conducted the hearing by causing the petition to be publicly read to those present by Kevin Schnell for the County Engineer's Office; and,

**WHEREAS**, the Board finds that due and legal notice has been given in the manner and for the length of time required by law, to all owners of land affected by said improvement; and,

**WHEREAS**, the Board has made an actual view of the proposed improvement and amendment on April 29, 2014, and has heard either in person or by counsel all evidence offered by any owner of land for or against the granting of the proposed improvement, or for or against the granting of any laterals, branches, spurs, or change of route, course, termini, or manner of construction described in the petition, or any application therefore; and,

**WHEREAS**, the County Engineer's Preliminary Report has determined that the route and termini of the proposed improvement and amendment meets the prayer of the petition and that there are no reasonable alternative routes; and,

**WHEREAS**, the cost of the proposed improvement is less than the benefits derived.

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners, Auglaize County, Ohio, does hereby direct the County Engineer to proceed with the necessary survey for the proposed improvement, plans for the structures, maps showing the location of the land proposed to be assessed, and profiles showing the cuttings and gradient of the improvement, and make an estimate of the cost of the construction of the improvement; which shall include actual construction cost, the cost of engineering, and the cost of notices, publication and other incidental expenses; and set proper construction stakes, and perform such other duties as required by Section 6131.14 of the Ohio Revised Code; and,

**BE IT FURTHER RESOLVED** that the Board does set **November 13, 2014 at 9:00 a.m.** as the date and time for the filing of the above mentioned County Engineer's Reports for the petition and amendment.

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

Adopted this  
10th day of  
June, 2014

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

John N. Bergman yes  
John N. Bergman

Douglas A. Spencer yes  
Douglas A. Spencer

Don Regula yes  
Don Regula

cc: County Engineer

**IN THE MATTER OF SETTING DATE AND TIME TO RECEIVE BIDS FOR PAVEMENT MARKING FOR THE COUNTY ROADWAYS.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 10th day of June, 2014.

Commissioner Spencer moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, the Board of County Commissioners has been asked by the County Engineer's staff to set a date and time to receive bids for pavement marking for county roadways.

**THEREFORE, BE IT RESOLVED** that the Board of Commissioners, Auglaize County, Ohio, does hereby set July 1, 2014, at 2:00 p.m. as the date and time to receive and publicly open bids for the 2014 County Road Pavement Marking for county roadways; and,

**BE IT FURTHER RESOLVED** that the Board authorizes the County Engineer to proceed with the necessary legal steps to cause the above bid opening.

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

Adopted this  
10th day of  
June, 2014

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes  
John N. Bergman

Douglas A. Spencer, yes  
Douglas A. Spencer

Don Regula, yes  
Don Regula

✓ cc: County Engineer

**IN THE MATTER OF AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE STATEWIDE CONSORTIUM OF COUNTY LAW LIBRARY RESOURCE BOARDS (SCCLLRD) AND THE BOARD OF AUGLAIZE COUNTY COMMISSIONERS ON BEHALF OF THE AUGLAIZE COUNTY LAW LIBRARY RESOURCES BOARD (LLRB).**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 10th day of June, 2014.

Commissioner Spencer moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, Kraig Noble, Chairperson of the LLRB, and Law Librarian Lucy Merges submitted the following Memorandum of Understanding (MOU) to the Board of County Commissioners:

**This memorandum of understanding (MOU) is entered into on the 13th day of May, 2014 and shall continue in effect until December 31, 2014 between the Statewide Consortium of County Law Library Resources Board (SCCLLRB) and the Board of Auglaize County Commissioners on behalf of the Auglaize County Law Library Resources Board (LLRB).**

**The SCCLLRB will provide a one time, total grant in the amount of \$3,879.72 on the terms and conditions specified in its Request for Proposals, to the County for use by the LLRB.**

**The County will allocate the grant fund to the LLRB fund for use as described in the grant proposal for 3 desktop computers with operating software; and,**

**WHEREAS**, the Board of County Commissioners was asked to authorize this MOU and execute same.

**THEREFORE, BE IT RESOLVED** that the Board of Commissioners, Auglaize County, Ohio does hereby authorize the MOU between SCCLLRB and the Board of Auglaize County Commissioners on behalf of the Auglaize County LLRB for the purpose of accessing the grant funding in the amount of \$3,879.72; and,

**BE IT FURTHER RESOLVED**, that the Board of County Commissioners does hereby ratify the execution of the MOU by said Board.

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

Adopted this  
10th day of  
June, 2014

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO  
John N. Bergman, yes  
John N. Bergman  
Douglas A. Spencer, yes  
Douglas A. Spencer  
Don Regula, yes  
Don Regula

- ✓ cc: Auglaize Law Library
- ✓ County Auditor
- ✓ SCCLLRB

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
STATEWIDE CONSORTIUM OF COUNTY LAW LIBRARY RESOURCE BOARDS  
AND BOARD OF AUGLAIZE COUNTY COMMISSIONERS ON BEHALF OF THE  
AUGLAIZE COUNTY LAW LIBRARY RESOURCES BOARD**

This Memorandum of Understanding ("MOU") is made this 13th day of May, 2014 by and between the Statewide Consortium of County Law Library Resources Boards (hereinafter the "SCCLLRB") and the Board of Auglaize County Commissioners (hereinafter the "County") on behalf of the Auglaize County Law Library Resources Board (hereinafter the "LLRB").

**SECTION 1: PURPOSE AND USE**

- 1.1 The SCCLLRB is a statewide consortium comprised of all county law library resource boards. R.C. 3375.481. The Consortium is governed by a five member board authorized to provide grants to LLRBs.
- 1.2 The County is a political subdivision of the State of Ohio.
- 1.3 The LLRB is a County board.

**SECTION 2: RESPONSIBILITIES OF THE SCCLLRB**

- 2.1 The SCCLLRB will provide a one time, total grant award in the amount of \$3,879.72, on the terms and conditions specified in its Request for Proposals, to the County for use by the LLRB.
- 2.2 A true and accurate copy of the Request for Proposals is attached and incorporated.

**SECTION 3: RESPONSIBILITIES OF THE COUNTY BOARD**

- 3.1 The LLRB will use the grant funds as described in its grant proposal.
- 3.2 A true and accurate copy of the LLRB's Proposal in response to the Request for Proposals is attached and incorporated.

**SECTION 4: RESPONSIBILITIES OF THE BOARD OF COUNTY COMMISSIONERS**

- 4.1 The County will allocate the grant funds to the LLRB fund for use as described in the grant proposal.
- 4.2 A true and accurate copy of the LLRB's awarded funds is attached and incorporated.

**SECTION 5: TERM, RENEWAL, TERMINATION**

- 5.1 The term of this MOU shall be effective May 13, 2014 and shall continue in effect until December 31, 2014. Either party may cancel this MOU by sending a written notice of

termination to the other party thirty (30) days prior to the date of termination.

5.2 All notices in connection with this MOU shall be sent to the following representatives:

Judith R. Maxwell, Executive Director  
Statewide Consortium of County Law  
Library Resources Board  
20 W. Central Ave.  
Delaware, Ohio 43015

Kraig E. Noble, Chair  
Auglaize Co. LLRB  
201 Willipie Street, Suite 405  
Wapakoneta, Ohio 45871

### **Section 6: MISCELLANEOUS**

- 6.1 This MOU constitutes the entire agreement between the parties as to the subject matter described herein, and any changes or modifications to this MOU shall be made and agreed to in a written amendment signed by both parties.
- 6.2 This Agreement shall be governed, construed and interpreted in accordance with the laws of the State of Ohio.
- 6.3 LLRB agrees that, in the performance of this MOU, it will not unlawfully discriminate in its employment or contract practices, on the basis of race, religion, gender, national origin, age, handicap, or veteran status.
- 6.4 LLRB agrees to comply with all applicable federal, state and local laws in administration of the grant award funds.
- 6.5 LLRB agrees to provide the SCCLLRB accurate receipts of all purchases by January 15, 2015 and to refund any unspent funds to the SCCLLRB by February 15, 2015.
- 6.6 No amendment or modification of this MOU shall be effective unless made in writing and signed by all parties.
- 6.7 If any provision of this MOU shall be invalid, illegal, or unenforceable, in any respect, said provision shall be severed. The validity, legality, and enforceability of all other provisions of this Agreement shall not in any way be affected or impaired unless such severance would cause this Agreement to fail of its essential purpose.
- 6.8 The failure of any party to exercise or enforce in any respect any right or provision provided for in this MOU shall not be deemed a waiver of any such right or provision.
- 6.9 This MOU shall bind the parties thereto, their respective assigns, successors, receivers, and legal representatives of any type whatsoever, and shall not be modified unless done so in writing signed by authorized representatives of both parties.
- 7.0 The headings in this MOU are for reference only. They are not intended and shall not be

construed to be a substantive part of this MOU or in any other way to effect the validity, interpretation, or effect of any of the provision of this MOU.

7.1 LLRB affirmatively represents and warrants to SCCLLRB that it is not subject to a finding for recovery under R.C. 9.24, or that it has taken the appropriate remedial steps required under R.C. 9.24 or otherwise qualifies under that section. LLRB agrees that if this representation and warranty is deemed to be false, the MOU shall be void ab initio as between the parties to this MOU, and any funds paid by SCCLLRB shall be immediately repaid to SCCLLRB, or an action for recovery may be immediately commenced by SCCLLRB for recovery of said funds.

7.2 This MOU shall be fully executed and effective on the latter date it has been signed by the parties hereto. Failure to execute and return the MOU to SCCLLRB within 60 days will result in rescission of the grant approval.

IN WITNESS WHEREOF, the parties hereunto have caused this MOU to be duly executed.

Statewide Consortium of County Law  
Library Resources Boards

By: Judith R. Maxwell  
Judith R. Maxwell, Executive  
Director

Date: June 2, 2014

Auglaize County Law Library Resources  
Board

By: Kraig E. Noble  
Kraig E. Noble, Chair

Date: 6-6-14

Board of Auglaize County Commissioners

By: John N. Bergman  
President, John N. Bergman

Date: June 10, 2014

APPROVAL AS TO FORM

Mike DeWine  
Ohio Attorney General

By: \_\_\_\_\_  
Jennifer S. M. Croskey  
Assistant Attorney General

Date: \_\_\_\_\_

Prosecuting Attorney, Auglaize County

By: \_\_\_\_\_  
Prosecuting Attorney

Date: \_\_\_\_\_

MEMORANDUM OF UNDERSTANDING  
 BETWEEN THE  
 STATEWIDE CONSORTIUM OF COUNTY LAW LIBRARY RESOURCE BOARDS  
 AND BOARD OF AUGLAIZE COUNTY COMMISSIONERS ON BEHALF OF THE  
 AUGLAIZE COUNTY LAW LIBRARY RESOURCES BOARD

ADDENDUM

AWARD LIST AND AMOUNT		
DATE	ITEMS	AMOUNT
May 13, 2014	3 desktop computers with operating software	\$3,879.72
<b>TOTAL</b>		<b>\$3,879.72</b>

**IN THE MATTER OF AUTHORIZING THE COUNTY AUDITOR TO DRAW WARRANTS FOR THEN AND NOW CERTIFICATE PAYMENTS.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 10th day of June, 2014.

Commissioner Spencer moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, the practice of using "Then and Now Certificates" has been instituted by the County Auditor.

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners, Auglaize County, Ohio, the taxing authority for Auglaize County, having thirty (30) days to approve payment by resolution from receipt of "Then and Now Certificates", does hereby approve the following:

<u>Check #</u>	<u>Amount</u>	<u>Vendor</u>
384398	\$49,362.52	City of St. Mary's
384433	\$ 2,600.00	Susan Harrod

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

Adopted this  
10th day of  
June, 2014

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

John N. Bergman  
John N. Bergman

Douglas A. Spencer, Yes  
Douglas A. Spencer

Don Regula, Yes  
Don Regula

/ cc: County Auditor