

**IN THE MATTER OF AUTHORIZING AN UPDATE TO THE RESOLUTION TO PROVIDE EQUAL HOUSING OPPORTUNITY IN AUGLAIZE COUNTY, OHIO, FIRST RESOLVED FEBRUARY 4, 1993; AND TO INCLUDE THE NEW PROTECTED CLASSES OF ANCESTRY AND MILITARY STATUS.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 7th day of June, 2016.

Commissioner Bergman moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, the population of Auglaize County, Ohio, includes people of different races, colors, creeds/religious beliefs, sexes, national origins, disabilities, and familial statuses; and,

**WHEREAS**, the Board of County Commissioners of Auglaize County believes in the principle of equal rights and privileges for all citizens; and,

**WHEREAS**, the United States Congress adopted as the National Policy to provide, within constitutional limitations, for fair housing throughout our country and updates to such policy as may be required by law; and,

**WHEREAS**, an update to the original policy so as to add the newly protected classes of **Ancestry** and **Military Status** for State of Ohio is now necessary.

**THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Auglaize County, Ohio:

**SECTION 1: DESIGNATION OF POLICY**

That it is hereby designated to be the policy of Auglaize County to do all things necessary and proper to secure for all its citizens their right to equal housing opportunities, regardless of their race, color, creed/religious belief, sex, national origin, disability, familial status, age, marital status, **ancestry**, and/or **military status**.

**SECTION 2: DEFINITIONS**

As used in this resolution, the following terms shall have these meanings:

A) **REAL ESTATE AGENT**

Real Estate Agent includes any real estate broker, real estate sales person or an agent thereof, or any other person, partnership, association, or corporation who for consideration, sells, purchases, exchanges, rents, negotiates, offers, or attempts to negotiate the sale, purchase, exchange or rental of real property or holds himself/herself out as engaged in the business of selling, purchasing, exchanging, renting or otherwise transferring any interest in real property.

B) **BOARD**

Board means the Board of the Auglaize County Commissioners which is hereby designated and appointed as the Fair Housing Board.

C) **DISCRIMINATION, DISCRIMINATING, OR DISCRIMINATE**

The terms discrimination, discriminating, or discriminate mean to render any difference in treatment to any person in the sale, lease, rental, or financing of a dwelling or housing unit because of a person's race, color, creed/religious belief, sex, national origin, disability, familial status, age, marital status, **ancestry**, and/or **military status**.

D) **HOUSING**

Housing includes any building, facility, or structure or port thereof, which is used or occupied or is intended, arranged, or designed to be used or occupied as the home, residence, or sleeping place of one or more persons; construction, or location thereon, of such building, facility, or structure.

E) **LENDING INSTITUTION**

Lending institution means any bank, insurance company, savings and loan association, or any other person or organization regularly engaged in the business of lending money or guaranteeing loans.

F) PERSON

Person means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

G) DISABILITY

Means with respect to a person, 1) a physical or mental impairment which substantially limits one or more of such person's major life activities; 2) a record of having such an impairment; or, 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. B02)).

H) FAMILIAL STATUS

Means one or more individuals (who have not attained the age of 18 years) being domiciled with, 1) a parent or another person having legal custody of such an individual or individuals; or, 2) the designee of such parent or other persons having such custody, with the written permission of such parent or other person. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant, or in the process of securing legal custody of any individual who has not attained the age of 18 years.

**SECTION 3: UNLAWFUL HOUSING PRACTICES**

It shall be an unlawful housing practice and a violation of this resolution;

- A) For any person or real estate agent, 1) to discriminate against any person in the selling, leasing, subleasing, renting, assigning, or otherwise transferring of any interest in a housing unit; 2) to discriminate against any person by refusing to negotiate, making false representations on the availability of the housing unit which is for sale, lease, sublease, or rental; 3) to include in the terms, conditions, or privileges of any sale, lease, sublease, rental, assignment, or other transfer of any housing, any clause, condition, or restriction discriminating against any person in the use or occupancy of such housing; 4) to discriminate in the furnishing of any facilities, repairs, improvements, or services or in the terms, conditions, privileges, or tenure of occupancy of any person.
- B) For any lending institution to discriminate in lending money, guaranteeing loans, accepting a deed, trust or mortgage, or otherwise making available funds for the purchase, acquisition, construction, alteration, repair, rehabilitation, or maintenance of any housing, or discriminate in the fixing of the rates, terms, conditions, or provisions of any such financial assistance.

**SECTION 4: POSTING OF NOTICES**

- A) Every real estate agent shall post in a conspicuous location in that portion of his/her business normally used by him/her for negotiating the terms of a sale or lease of housing, and each person who operates a multi-unit residential building containing more than two (2) units shall post at all times when prospective tenants are being interviewed, in a conspicuous location in that portion of this housing business normally used by him/her for negotiating the rental of a housing unit therein, a notice prepared by the Board of which contains the following language, printed in black on a light-colored background, in not less than fourteen-point type, "It is a violation of Title VIII of the Civil Rights Act of 1968 which includes the Fair Housing Amendments Act of 1988 for any real estate agent, or for any person owning or managing a multi-unit apartment dwelling to; 1) deny housing to any person because of race, color, creed/religious belief, sex, national origin, disability, familial status, age, marital status, **ancestry**, and/or **military status**; 2) discriminate against any person because of that person's race, color, creed/religious belief, sex, national origin, disability, familial status, age, marital status, **ancestry**, and/or **military status**, with respect to the terms, conditions, or privileges of housing accommodations or in the furnishing of facilities or services in connection therewith.

IF YOU BELIEVE YOU HAVE BEEN DISCRIMINATED AGAINST, CONTACT THE AUGLAIZE COUNTY FAIR HOUSING BOARD, AND/OR FAIR HOUSING COORDINATOR, THE OHIO CIVIL RIGHTS COMMISSION, OR THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).

**SECTION 5: FAIR HOUSING BOARD**

It shall be the responsibility of the Fair Housing Board to:



- A) To investigate all complaints of unlawful housing practices which are filed with it.
- B) To initiate complaints of unlawful housing practices on the basis of auditing or testing carried out by its staff or volunteers authorized by the Board.
- C) To endeavor, by conciliation, to resolve such complaints.
- D) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith to require the procurement of any books or papers relating to any matter under investigation or in questions before the Board.
- E) To commend to the Auglaize County Fair Housing Board, when it deems necessary, educational and other programs designed to promote the purposes stated in the resolution.
- F) To adopt rules and procedures for the conduct of its business.
- G) To do such other acts that are necessary and proper in order to perform those duties with which it is charged under the terms of this resolution.

#### **SECTION 6: PROCEDURES AND ENFORCEMENT**

- A) Any person subjected to an unlawful housing practice may file within 180 days of the alleged violation with the Board of Complaint in writing, sworn to or affirmed, which shall state the name and address of the person alleged to have committed the violation complained of and the particulars thereof, and such other information as may be required by the Board. The Board may also corroborate or initiate compliance on the basis of testing carried out by its staff or volunteers authorized by the Board.
- B) Upon the filing of a complaint, the Clerk of the Board shall make such investigation as he/she deems appropriate to ascertain facts and issues. If the Clerk of the Board shall determine that there are reasonable grounds to believe a violation has occurred, he/she shall attempt to conciliate the matter by methods of initial conference and persuasion with all interested parties and such representatives as the parties may choose to assist them. Conciliation conferences shall be informal and nothing said or done during such initial conference shall be made public by the Board or any member of the Board or its staff unless the parties agree thereto in writing.
- C) The terms of conciliation agreed to by the parties shall be reduced to writing and incorporated into a consent agreement to be signed by the parties, which agreement is for conciliation purposes only and does not constitute an admission by any party that the law has been violated. Consent agreements shall be signed on behalf of the Board by its chairman/president.
- D) The Board is authorized to seek the cooperation and aid of the Ohio Real Estate Board or Ohio Civil Rights Commission in any investigation under this resolution.
- E) If the Clerk of the Board determines that the complaint lacks reasonable grounds upon which to base a violation of this resolution, he/she shall so inform the Board and the Board may in its discretion dismiss such complaint or order such further investigation as may be necessary; provided, that the Board shall not dismiss such complaint without first affording the complainant an opportunity to appear before the Board.
- F) If the Clerk of the Board, with respect to a matter which involves a violation of this resolution, fails to conciliate a complaint after the parties have in good faith attempted such conciliation, fails to effect a conciliation agreement or a formal consent agreement or determines that a complaint is not susceptible of conciliation, he/she shall notify the Board immediately and the Board shall thereafter schedule a public hearing to determine whether a violation of this resolution has been committed. The Board shall serve upon the respondent a statement of charges and a summons and shall serve upon all interested parties a notice of the time and place of hearing. The respondent or his/her authorized counsel may file such statements with the Board prior to the hearing date as it deems necessary in support of its position. The hearing shall be opened to the public, except that the respondent may request in writing a private hearing; the determination of such request shall be discretionary with the Board. The hearing shall be held not less than fifteen (15) days after service of the statement of charges and summons. The summons so issued must be signed by two (2) members of the Board and the issuance of such summons shall require the attendance of named persons and the production of relevant documents and records. The failure to comply with a summons shall constitute a violation of this resolution. The interested parties may, at their option, appear before the Board in person or by duly authorized representative and may have the assistance of an attorney. The parties may present testimony and evidence, and the right to cross examine witnesses shall be preserved. All testimony and evidence shall be given under oath or by affirmation. The Clerk of the Board shall keep a full record of the hearing, which record shall be public and open to inspection by any person, and upon request by any principal party to the proceeding, and the Board shall furnish such party a copy of the hearing record, if any, at such cost as the Board deems appropriate.

- G) If at the conclusion of the hearing the Board shall determine upon the preponderance of the evidence that the person complained against *has violated* this resolution, the Board shall, after consultation with the Prosecutor in executive session, state its findings to and cause the Prosecutor to prepare and issue an order under the Board directive requiring the person complained against to cease and desist from such unlawful conduct and to take such affirmative action as will effectuate the purposes of this resolution; if complained against has not after fifteen (15) calendar days following service of the Board's order complied with the order, the Board will recertify the matter to the Prosecutor for enforcement.
- H) Upon recertification to the Prosecutor for enforcement, he/she shall seek compliance by appropriate civil action brought in the name of the Fair Housing Board of Auglaize County before a court of competent jurisdiction. In any such proceeding, where the court determines that there has been a violation of this resolution, the court shall award compensatory damages and, where appropriate, punitive damages, along with attorney fees. The court may also order such other relief as it deems necessary or appropriate.
- I) If at the conclusion of the hearing the Board shall determine upon the preponderance of the evidence of the record that the person complained against *has not violated* this resolution, the Board shall state and publish its findings and issue its order dismissing the complaint.

#### **SECTION 7: SCOPE OF RESOLUTION**

The provisions of this resolution shall apply to all housing located within the territorial limits of Auglaize County under the Board of County Commissioners' jurisdiction.

#### **SECTION 8: OTHER LEGAL ACTION**

Nothing contained in this resolution shall prevent any person from exercising any right or seeking any remedy to which he/she might otherwise be entitled or from filing any complaint with any other agency or court of law or equity.

#### **SECTION 9: SEVERABILITY**

Section and sub-sections of this resolution and the several parts and provisions thereof are hereby declared to be independent sections, sub-sections, parts, and provisions, and the holding of any such section, sub-section, part, or provision thereof to be unconstitutional, void or ineffective for any cause, shall not affect nor render invalid any other such section, sub-section, part, or provisions thereof.

#### **SECTION 10: EFFECTIVE DATE**

This updated resolution shall take effect upon signing.

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

Adopted this  
7th day of  
June, 2016

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

Don Regula yes  
Don Regula

John N. Bergman yes  
John N. Bergman

Douglas A. Spencer yes  
Douglas A. Spencer

cc: Poggemeyer Design Group – Gayle Flaczynski



**IN THE MATTER OF AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE OHIO  
DEVELOPMENT SERVICES AGENCY OFFICE OF COMMUNITY DEVELOPMENT FOR PY2016  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ALLOCATION PROGRAM.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 7th day of June, 2016.

Commissioner Bergman moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, the Board of County Commissioners received notification from the Ohio Development Services Agency Office of Community Development that proposes to allocate the approximate sum of \$113,000 in Community Development Block Grant (CDBG) Community Development Allocation funds for PY2016 to the County; and,

**WHEREAS**, the Board solicited projects for funding consideration; and,

**WHEREAS**, the Board adopted Resolution No. #16-194 on May 17, 2016 setting the date to receive public comment on the Board's proposed projects for P.Y. 2016; and,

**WHEREAS**, the Board received no verbal or written comments concerning the proposed allocation of funds.

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Auglaize County, Ohio does hereby authorize the submittal of an application to the Ohio Development Services Agency Office of Community Development for PY2016 CDBG Allocation Program funding; and,

**BE IT FURTHER RESOLVED** that the Board does authorize its President, Don Regula, to execute the grant application.

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

Adopted this  
7th day of  
June, 2016

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

Don Regula  
Don Regula

John N. Bergman  
John N. Bergman

Douglas A. Spencer  
Douglas A. Spencer

✓cc: Poggenmeyer Design Group – Gayle Flaczynski

**IN THE MATTER OF AUTHORIZING AN EXTENSION OF TIME TO COMPLETE THE ADAMS DITCH PROJECT.**

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The Board of Auglaize County Commissioners met in regular session on the 7th day of June, 2016.

Commissioner Bergman moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, on July 28, 2015, Resolution #15-321, the Board of County Commissioners approved the contract and bond with Liebrecht Excavating for the construction of the Adams Single County Ditch improvement, setting a completion date for said project of May 31, 2016; and,

**WHEREAS**, on May 31, 2016, the following correspondence was submitted to the Board of County Commissioners:

Board of Commissioners, Auglaize County

May 31, 2016

In the fall of 2015, the contractor for the Adams Ditch project (Liebrecht Excavating) completed the original petition portion of this project which included all drainage construction downstream of Golden Bridge Road to the Auglaize River. This work included all of the open ditch construction which was completed on or about September 15<sup>th</sup>, 2015, and also included all of the installation of subsurface drainage tile which was completed after the soybean harvest in November, 2015.

The County engineer's specifications did not allow additional open ditch construction to commence upstream of Golden Bridge Road for the amendment portion of the project after September 15<sup>th</sup>, 2015 due to the seeding requirements and limitations to the ditch banks and berms, therefore, the open ditch construction was terminated for the remainder of the fall and winter season of 2015-16.

The 2015-16 winter season from December of 2015 to March of 2016, did not provide the adequate freeze to allow for the hauling of the required tonnage of rip-rap required for erosion control at Interstate I-75. That haul is approximately ½ mile off of the roadway from Golden Bridge Road and is only accessible by utilizing an existing grassed land and farm field owned by Richard Etzkorn, the petitioner for the Adams Ditch amendment.

Also, the clearing of a portion of woodland on the Scott Wickline property that is necessary for the construction of the open ditch was scheduled to be performed during the winter of 2015-2016; however access to that area was also restricted by the same reason as mentioned above. Therefore, the engineer's office did not permit the contractor, Liebrecht Excavating, to damage or destroy this one and only access point across the Etzkorn farm.

Therefore, at this time, we are requesting that an additional 45 calendar days be granted to complete the construction of the Adams Ditch Amendment. The sole landowner that is being affected by this extension is the Richard Etzkorn property. Mr. Etzkorn's farm has been planted in soybeans, and he has allowed the working right-of-way for the construction of the Adams Ditch to remain unplanted for the duration of this project.

All open ditch work for the Adams Ditch amendment has been completed on the Charles and Susan Meier property and on the David and Debra Heitz property. Mr. Heitze has been successful at farming and planting soybeans on the area of the construction that took place on his farm this spring.

s/Kevin Schnell  
Kevin Schnell  
Assistant Engineer

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners, Auglaize County, Ohio, does hereby grant the request of 45 additional days for the extension of time to complete the Adams Ditch Project; and,

**BE IT FURTHER RESOLVED** that the contractor's bond and securities for this project shall remain liable as if such extended time had been originally named in the bond and/or contract.

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

Adopted this  
7th day of  
June, 2016

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

Don Regula, yes  
Don Regula

John N. Bergman, yes  
John N. Bergman

Douglas A. Spencer, yes  
Douglas A. Spencer



**IN THE MATTER OF APPROVING AND ADOPTING THE ANALYSIS OF IMPEDIMENTS (AD) TO FAIR HOUSING FOR THE PERIOD OF 2016-2020 AND SUBMITTING SUCH ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING TO THE OHIO DEVELOPMENT SERVICES AGENCY (ODSA) FOR REVIEW AND APPROVAL.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 7th day of June, 2016.

Commissioner Bergman moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, Auglaize County entered into a contract with Poggemeyer Design Group, Inc. to provide consulting services for the preparation of an Analysis of Impediments to Fair Housing; and,

**WHEREAS**, Auglaize County appointed an advisory committee made up of realtor, lender, insurance, social service and housing representatives to oversee the development of the County's 2016 Analysis of Impediments to Fair Housing; and,

**WHEREAS**, this Analysis of Impediments to Fair Housing will cover the period from 2016 to 2020; and,

**WHEREAS**, in order to continue receiving federal funds from the Community Development Block Grant (CDBG), HOME Investment Partnership Program (HOME), and Community Housing Impact & Preservation (CHIP) Program, the County is required to submit an Analysis of Impediments to Fair Housing by June 17, 2016 to the Ohio Development Services Agency Office of Community Development (ODSA-OCD).

**THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Auglaize County, Ohio:

SECTION 1. That following consideration of input received at meetings held by the Auglaize County Analysis of Impediments to Fair Housing Advisory Committee, the Auglaize County Board of Commissioners does hereby approve the County's 2016 Analysis of Impediments to Fair Housing for the period 2016-2020.

SECTION 2. It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of this Board and that all deliberations of this Board and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Revised Code of Ohio and that the reading and adoption of this Resolution complies with the provisions of Article III, Section 9 of the County Charter as amended.

SECTION 3. This resolution shall take effect upon its passage and signature by the Board President.

**FURTHER RESOLVED** by the Board of County Commissioners of Auglaize County, Ohio to hereby submit the Auglaize County 2016 Analysis of Impediments to Fair Housing along with a copy of this Resolution by June 17, 2016 to the Ohio Development Services Agency Office of Community Development (ODSA-OCD) for their review and approval.

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

Adopted this  
7th day of  
June, 2016

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

Don Regula, yes  
Don Regula

John N. Bergman, yes  
John N. Bergman

Douglas A. Spencer, yes  
Douglas A. Spencer

✓ cc: Poggemeyer Design Group – Gayle Flaczynski

**IN THE MATTER OF AUTHORIZING THE PURCHASE OF SOFTWARE FROM ALLOY SOFTWARE AND (5) CAL 2016 UCAL FROM CDW-G FOR TECHNOLOGY DEPARTMENT FOR THE COUNTY'S COMPUTER SYSTEM AS REQUESTED BY INFORMATION TECHNOLOGY MANAGER.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 7th day of June, 2016.

Commissioner Bergman moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, Cameron Ruppert, County Information Technology Manager, met with the Board of County Commissioners expressing the need to obtain software for navigator express and (5) CAL 2016 UCAL for the technology department for the County's computer system; and,

**WHEREAS**, Mr. Ruppert presented quotations submitted by:

**Alloy Software** for software & licenses at the total cost of \$4,030.00;  
**CDW-G** for (5) CAL 2016 UCAL at the total cost of \$772.90.

**THEREFORE, BE IT RESOLVED** that the Board of Commissioners, Auglaize County, Ohio, does hereby authorize the purchase, from Alloy Software for the software for the total cost of \$4,030.00 and CDW-G for the five (5) CL 2016 UCAL as noted above at the total cost of \$772.90.

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

Adopted this  
7th day of  
June, 2016

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

Don Regula  
Don Regula

John N. Bergman  
John N. Bergman

Douglas A. Spencer  
Douglas A. Spencer

cc: IT Manager – Cameron Ruppert  
✓ Alloy Software  
✓ CDW-G



**IN THE MATTER OF AUTHORIZING A BUDGET ADJUSTMENT.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 31st day of May, 2016.

Commissioner Bergman moved the adoption of the following:

**RESOLUTION**

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

|                             |                                  |                               |
|-----------------------------|----------------------------------|-------------------------------|
| <b><u>General Fund:</u></b> |                                  |                               |
| <b><u>Amount:</u></b>       | <b><u>From:</u></b>              | <b><u>To:</u></b>             |
| \$ 1,500.00                 | 001.0101.531000 (Prof. Services) | 001.0101.530800 (Advertising) |

**THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Auglaize County, Ohio, does hereby authorize the budget adjustment 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  
7th day of  
June, 2016

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

Don Regula, yes  
Don Regula

John N. Bergman, yes  
John N. Bergman

Douglas A. Spencer, yes  
Douglas A. Spencer

cc: Auditor  
✓ County Administrator