

County Commissioners Office  
Auglaize County, Ohio  
October 8, 2009

NO. 09-387

**IN THE MATTER OF AUTHORIZING THE DISPOSAL OF EXCESS COUNTY PROPERTY PURSUANT TO OHIO REVISED CODE 307.12.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 8th day of October, 2009.

Commissioner Bergman moved the adoption of the following:  
**RESOLUTION**

**WHEREAS**, the Board of County Commissioners, by way of the Auglaize County Solid Waste Management District, is in possession of a 1988 Dorsey 48' Van Type Trailer (semi-trailer) which is no longer fit for public use because sections of the floor are ruined; brakes have been caged as the brake lines and light wiring to trailer rear are broken, and there are only single tires with the Solid Waste District keeping four of the tires and wheels; and,

**WHEREAS**, pursuant to Ohio Revised Code Section 307.12(B)(1), the Board of County Commissioners may sell said property/trailer without advertisement or public notification provided the fair market value of the property is less than \$2,500.00.

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners, Auglaize County, Ohio, does hereby authorize the disposal of excess county property, in the form of a 1988 Dorsey 48' Van Type Trailer, by taking same to Omnisource as scrap material; said disposal being pursuant to Ohio Revised Code Section 307.12(B)(1).

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

Adopted this  
8th day of  
October, 2009

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: Solid Waste Management District

**IN THE MATTER OF AUTHORIZING A CHANGE ORDER FOR HOUSING REHABILITATION FOR JULES DOWLING UNDER THE C.H.I.P. PROGRAM.**

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The Board of County Commissioners of Auglaize County, Ohio, met in regular session on the 8th day of October, 2009.

Commissioner Bergman moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, the Board of County Commissioners did receive a grant through the State of Ohio's Comprehensive Housing Improvement Program for the rehabilitation of housing units within the County; and

**WHEREAS**, in Resolution #09-289, dated August 13, 2009, the Board approved rehabilitation to the property of Jules Dowling at a cost of \$36,395.00; and

**WHEREAS**, Poggemeyer Design Group Inc. has advised the Board of the need for a change order in the amount of \$ 1,444.00; said change order for termite treatment; and,

**WHEREAS**, this change order will alter the new cost to \$37,839.00.

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners does hereby authorize the above noted change order for housing rehabilitation work for the Karen Steinke property.

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

Adopted this  
8th day of  
October, 2009

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

<u>Douglas A. Spencer</u>	, Yes
Douglas A. Spencer	
<u>Don Regula</u>	, yes
Don Regula	
<u>John N. Bergman</u>	, yes
John N. Bergman	

cc/ Gayle Flaczynski – Poggemeyer Design Group  
Joe Lenhart – Co. Administrator

**IN THE MATTER OF APPROVING THE CONTRACT AND BOND OF CY SCHWIETERMAN, INC. FOR THE KUENSTLE DITCH PROJECT.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 8th day of October, 2009.

Commissioner Bergman moved the adoption of the following

**RESOLUTION**

**WHEREAS**, the Engineer's office has filed with this Board a contract and bond with Cy Schwieterman, Inc. for labor and materials for said Kuenstle Ditch project petitioned under Senate Bill 160; and,

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

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners, Auglaize County, Ohio, does hereby approve the contract and bond with Cy Schwieterman, Inc., as presented, for the Kuenstle Ditch project; and,

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

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

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

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

Adopted this  
8th day of  
October, 2009

**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: County Engineer

# DITCH CONTRACT

Revised Code, Sec. 6131.41

*In the Matter of the*                    **KUENSTLE DITCH**

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

**THIS AGREEMENT,**    *made and entered into on this*                    *day of*                    **2009,**  
*by and between the County Commissioners of*                    **AUGLAIZE COUNTY**                    ,  
*Ohio, and hereinafter designated as "First Party," and*            **CY SCHWIETERMAN, INC.**            *of*  
**10097 KOHLER ROAD, WAPAKONETA, OHIO 45895** *hereinafter designated as "Second Party."*

**WITNESSETH, THAT SAID "SECOND PARTY,"** *For and in consideration of the sum*  
*of*    **SEVENTY THREE THOUSAND FOUR HUNDRED FORTY-ONE AND 15/100**  
**( \$73,441.15)**    *Dollars, to be paid as hereinafter specified, hereby agree to furnish unto said*  
*"First Party." all the necessary materials, and do all the work and labor required to construct the*  
**KUENSTLE DITCH** *improvement petitioned for by*    **SENATE BILL 160**    *and others,*  
*in accordance with plans, drawings and specifications for the same hereto attached, which plans, drawings*  
*and specifications are hereby declared to be a part of this contract.*

*Said "Second Party" further agrees to furnish said materials and to do the said work and labor*  
*promptly, in a good substantial and workmanship manner, under the direction of the County Engineer in*  
*charge, without hindrance or delay to any other branch or class of work on said*    **KUENSTLE**  
**DITCH** *and to work in harmony with and to render such assistance to other branches of work as their*  
*connection therewith and the progress of the*    **KUENSTLE DITCH** *may require. The whole*  
*to be completed to the satisfaction and acceptance of said "First Party" on or before the*    **1<sup>st</sup>** *day of*  
**APRIL, 2010.**

**AND SAID "FIRST PARTY,"** *for and in consideration of the true and faithful performance of*  
*said work and labor and furnishings of said materials as aforesaid, hereby agree to pay unto the said "Second*  
*Party" said sum of*    **SEVENTY THREE THOUSAND FOUR HUNDRED FORTY-ONE AND**  
**15/100 ( \$73,441.15)**    *Dollars, in installment from time to time, upon the certificate of*  
*acceptance of the County Engineer and as provided by law.*

Now if the said

CY SCHWIETERMAN, INC.

of

10097 KOHLER ROAD, WAPAKONETA, OHIO

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

Executive in Presence of



David Schwieterman

signed

Cy Schwieterman, Inc.

company

10097 Kohler Rd.

street

Wapakoneta Oh 45895

city, state, zip



witness



witness

The above Contract being good and sufficient is approved this 8<sup>th</sup> day of October, 2009.



commissioner



commissioner



commissioner



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

Now if the said **CY SCHWIETERMAN, INC.**

of **10097 KOHLER ROAD, WAPAKONETA, OHIO**

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

Executive in Presence of

David C. Schwieterman  
Signed

Kenneth Sencer  
witness

Cy Schwieterman Inc  
company

Fred W. Winkle  
witness

10097 Kohler Rd.  
street

Wapakoneta, Oh. 45895  
city, state, zip

The above Bond being good and sufficient is approved this 8<sup>th</sup> day of October, 2009.

Douglas A. Sencer  
commissioner

Don Regula  
commissioner

John N. Bergman  
commissioner

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

To: Board of County Commissioners  
Auglaize County, Ohio

In Re: PERFORMANCE BONDING FOR THE KUENSTLE DITCH

Gentlemen:

We, the undersigned, do hereby establish a CONTRACT FOR PERFORMANCE BONDING in the favor of the Auglaize County Commissioners, and have established an account under the name of CY SCHWIETERMAN, INC. , having an address of 10097 KOHLER ROAD WAPAKONETA, OHIO 45895. The minimum amount established for this CONTRACT FOR PERFORMANCE BONDING has been determined by the Board of County Commissioners as being 125% of the estimated costs to complete the KUENSTLE DITCH improvement. The Estimated Construction Costs for said Ditch Improvement plus an additional 25%, has been established at NINETY ONE THOUSAND EIGHT HUNDRED ONE AND 44/100 (\$91,801.44) dollars, and will be subject to the following terms and conditions:

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

2. The undersigned Contractor for said improvement shall be under contract with the Board of County Commissioners, and shall be completed on or before the 1<sup>st</sup> day of APRIL, 2010 to complete the necessary work as detailed on the plans, profiles, and specifications on file with the Board of County Commissioners. Failure to do so will be subject to all penalties as provided in the Ohio Revised Code.

*If an Extension of Time to complete the Ditch Improvement is needed to be granted in order to complete the KUENSTLE DITCH, then the Contract for Performance Bonding must also be extended for the same Extension of Time in the amount of NINETY ONE THOUSAND EIGHT HUNDRED ONE AND 44/100 (\$91,801.44) dollars, however, it cannot be construed that the Board of County Commissioners will grant such an extension of time unless extreme hardship or severe weather effects the established date of completion for said Ditch Improvement.*

*3. It is guaranteed by the undersigned Contractor that the Ditch Improvements as set forth on the plans, profiles, and specifications will be completed to it's entirety and approved by the Auglaize County Engineer on or before the 1<sup>st</sup> day of APRIL, 2010. If such a guarantee is breached, then the Board of County Commissioners shall, upon notice of such failure received by us in writing, be authorized to issue drafts against the Performance Bonding Agency, under the name of CY SCHWIETERMAN, INC., having an address of 10097 KOHLER ROAD WAPAKONETA, OHIO 45895, up to and including the amount of the Estimated Construction Costs plus and additional 25% for the proposed Ditch Improvement known as the KUENSTLE DITCH herein mentioned, for the sole purpose of completing the improvements according to said plans, profiles, and specifications on file with the Board of County Commissioners and shall be in the amount of NINETY ONE THOUSAND EIGHT HUNDRED ONE AND 44/100 (\$91,801.44) dollars.*

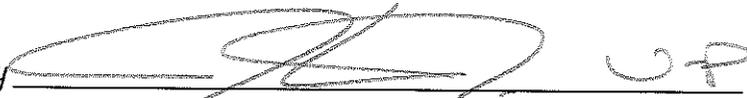
*4. Upon the enactment of any of the forementioned drafts against the Performance Bonding Agency under the name of FIRST NATIONAL BANK IN NEW BREMEN, does further guarantee payment of such drafts to complete the Ditch Improvement, regardless of default, insolvency, or bankruptcy by the Contractor under the name of CY SCHWIETERMAN, INC. having an address of 10097 KOHLER ROAD WAPAKONETA, OHIO 45895, and regardless of any objections of said CY SCHWIETERMAN, INC., the Contractor, or litigation or disagreement between the Board of County Commissioners of Auglaize County, FIRST NATIONAL BANK IN NEW BREMEN, OHIO, the Performance Bonding Company.*

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

6. *The amount and date of such drafts drawn hereunder must be endorsed on the face hereof by of*  
CY SCHWIETERMAN, INC. , *having an address of* 10097 KOHLER ROAD  
WAPAKONETA, OHIO 45895. *We do hereby guarantee the Board of Commissioners of*  
*Auglaize County that all drafts drawn under and in compliance with the terms of this CONTRACT*  
*FOR PERFORMANCE BONDING shall meet with due honor upon presentation and delivery of*  
*documents in accordance with the terms and conditions hereof.*

7. *This CONTRACT FOR PERFORMANCE BONDING is limited to the sum herein*  
*mentioned and set forth, and in the event this CONTRACT FOR PERFORMANCE BONDING*  
*is exercised by the Board of County Commissioners, the amounts payable hereunder shall be the face*  
*value of at* NINETY ONE THOUSAND EIGHT HUNDRED ONE AND 44/100  
(\$91,801.44) *dollars, which less any amounts of improvements as performed by the undersigned*  
*Contractor towards completing said Ditch Improvement in accordance with the plans and specifications,*  
*and under the approval of the Auglaize County Engineer. It is also hereby understood that the Board of*  
*County Commissioners and/or the Auglaize County Engineer shall not arbitrarily or unreasonably*  
*withhold approval of the installations or improvements made for said improvement, and shall*  
*specifically state the nature and extent of any objections to these improvements made by the*  
*undersigned Contractor before invoking payment under this CONTRACT FOR PERFORMANCE*  
*BONDING.*

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

by  CP

official signature from BONDING AGENCY OR BANK  
JERRY S. LEHMAN, JR., VICE PRESIDENT

for FIRST NATIONAL BANK IN NEW BREMEN  
BONDING AGENCY OR BANK

435 S. WASHINGTON STREET  
address

NEW BREMEN, OHIO 45869  
city, state, zip

419-629-2761  
phone

All terms and conditions of the this **CONTRACT FOR PERFORMANCE BONDING**  
for the development of the **KUENSTLE DITCH** accepted by the Board of Commissioners of  
Auglaize County, pursuant to Resolution No. 19-389, passed this 8<sup>th</sup> day  
of October, 2009.

  
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commissioner - Auglaize County

  
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commissioner - Auglaize County

  
-----  
commissioner - Auglaize County

All terms and conditions accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

  
-----  
authorized signature for CONTRACTOR

CY SCHWIETERMAN, INC.  
COMPANY

10097 KOHLER ROAD  
address

WAPAKONETA, OHIO 45895, OHIO 45869  
city, state, zip

(419) 753-2566  
phone

# DITCH CONSTRUCTION PROPOSAL

## DELINQUENT TAX AFFIDAVIT

STATE OF OHIO, COUNTY OF AUGLAIZE:

TO: *The Auditor of Auglaize County*

*The Affiant* Cy Schwieterman, Inc.  
Name of person, organization, or company

*Located at* 10097 Kohler Rd., Wapakoneta, Oh 45895  
Address: street, city, state, and zip code

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

KUENSTLE DITCH *was submitted (check one):*

*Was NOT charged with any personal property taxes on the general tax list of Auglaize County*

*Was charged with delinquent personal property taxes on the general tax list of Auglaize County in the principal amount of \$ \_\_\_\_\_ with the sum of \$ \_\_\_\_\_ added for due and unpaid penalties and interest. Further the Affiant sayeth naught.*

*Sworn and subscribed by* David Schwieterman  
Cy Schwieterman, Inc. *this* 21st *day of* September, 2009.  
Name of person, organization, or company

*David C. Schwieterman*  
David Schwieterman  
Signature of person or authorized representative of Affiant

*Before me, a notary public, on this* 21st *day of* September, 2009, *personally appeared*  
David Schwieterman, *the Affiant in the foregoing affidavit who acknowledged the signing thereof to be his/her voluntary act and deed. In testimony whereof, I have hereto subscribed my name and affixed my seal on this day and year aforesaid.*

*Joyce T. Gerlach*  
(Notary Public)

*My Commission Expires:* \_\_\_\_\_  
 **JOYCE T. GERLACH**  
Notary Public, State of Ohio  
My Commission Expires August 17, 2010

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

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

# DITCH CONSTRUCTION PROPOSAL

## NON-COLLUSION AFFIDAVIT

STATE OF OHIO, COUNTY OF AUGLAIZE:

*Bid Identification:* **KUENSTLE DITCH BID**

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

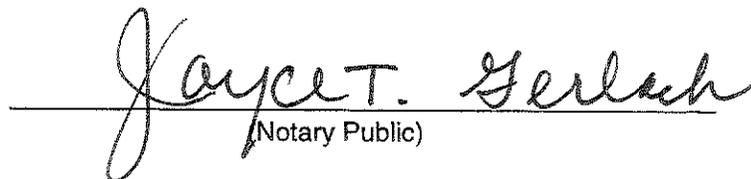
of Cy Schwieterman, Inc.  
(name of contractor submitting bid)

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



By: David Schwieterman, President  
(Name & Title)

*Subscribed and sworn to before me this* 21st *day of* September, 2009.



(Notary Public)



JOYCE T. GERLACH  
Notary Public, State of Ohio  
My Commission Expires August 17, 2010

(Seal of Notary)

# DITCH CONSTRUCTION PROPOSAL

## AFFIDAVIT OF COMPLIANCE WITH OHIO REVISED CODE SECTION 3517.13

STATE OF OHIO  
COUNTY OF AUGLAIZE

David Schwieterman being duly sworn, deposes and states as follows:

1. I am duly authorized to make the statements contained herein on behalf of Cy Schwieterman, Inc.  
("the Contracting Party")

2. The Contracting Party is a/an (select one):

Individual, partnership, or other unincorporated business association (including, without limitation, a professional association organized under Ohio Revised Code Chapter 1785), estate, or trust.

Corporation organized and existing under the laws of the State of OHIO

Labor organization

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

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

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

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

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

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

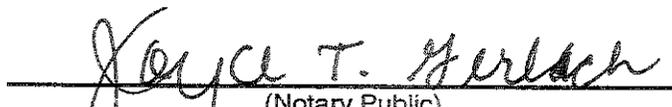
7. Any contract that contains a falsified certification shall be rescinded.

Affiant further sayeth naught.

  
By David Schwieterman

Title President

SWORN TO BEFORE ME and subscribed in my presence this 21st day of September, 2009.

  
(Notary Public)

SEAL

My commission expires \_\_\_\_\_



JOYCE T. GERLACH  
Notary Public, State of Ohio  
My Commission Expires August 17, 2010

**IN THE MATTER OF APPROVING CONTRACT FOR CHILD CARE SERVICES BETWEEN THE AUGLAIZE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES AND JILL WILLIAMS AS A TYPE B CARE PROVIDER.**

\*\*\*\*\*

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 8th day of October, 2009.

Commissioner Bergman moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, the Auglaize County Department of Job & Family Services presented the Board with a contract for child care services from the following as a Type B day care provider:

**Jill Williams – October 1, 2009 to September 30, 2010**

and,

**WHEREAS**, the Board was solicited to approve and execute said contract.

**THEREFORE, BE IT RESOLVED** that the Board of Commissioners, Auglaize County, Ohio, does hereby approve the contract, as presented, for effective dates as mentioned above, between Auglaize County Department of Job & Family Services and Jill Williams for child care services for said department; and,

**BE IT FURTHER RESOLVED** that the Board ratifies the execution of said contract.

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

Adopted this  
8th day of  
October, 2009

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: ✓ County Job & Family Services Dept. –  
Michael Morrow

**IN THE MATTER OF DOCUMENTING THE RECEIPT OF BIDS FOR CONSTRUCTION OF THE  
FREEMAN DITCH PROJECT: AWARDING BID TO CY SCHWIETERMAN, INC.**

\*\*\*\*\*

The Board of Auglaize County Commissioners met in regular session on the 8th day of October, 2009.

Commissioner Bergman moved the adoption of the following  
**RESOLUTION**

**WHEREAS**, on September 29, 2009, being the date set by the Board of County Commissioners in Resolution #09-335, dated September 10, 2009, said Board did receive the following bids for the construction of the Freeman Ditch project:

From: Cy Schwieterman, Inc.	\$35,708.00
Maria Stein Trenching	Incomplete bid
Jeff Topp Excavating	Incomplete bid
Gallaspie Farm Drainage	Incomplete bid

Engineer's Estimate was \$35,915.00

and,

**WHEREAS**, the County Engineer has filed with the Board, his report on bids received for the work of construction and for furnishing materials in the above named improvement accepted from the Auglaize County Soil & Water Conservation District Office Board of Supervisors; and,

**WHEREAS**, the bids, as received, were reviewed by the County Engineer who informed the Board that there is concern about the three lowest bids being incomplete as all bid documents were not properly executed in each of the three bids; and,

**WHEREAS**, the Board of County Commissioners met with Co. Prosecutor Edwin Pierce who, after reviewing the bids as presented for this project, advised the Board that it is his opinion that the lowest three bids are incomplete; and,

**WHEREAS**, under the advisement of its legal counsel, the Board of County Commissioners accepts the one complete bid of Cy Schwieterman, Inc. in the amount of \$35,708.00

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners, Auglaize County, Ohio, does hereby award the bid for the construction of Freeman Ditch to Cy Schwieterman, Inc in the amount of \$35,708.00; and,

**BE IT FURTHER RESOLVED** that the County Engineer is hereby directed to prepare the contracts and bonds and, having secured the signatures of said bidders and their sureties, present the same to the Board of County Commissioners for approval; and,

**BE IT FURTHER RESOLVED** that the whole of such work shall be completed and all material furnished by December 31, 2010, provided that the time of furnishing such material and completing such labor shall correspond with the time provided for its use in the progress of the work.

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

Adopted this  
8th day of  
October, 2009

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: ✓ County Engineer  
✓ Soil & Water Conservation District

**IN THE MATTER OF APPROVING THE CONTRACT AND BOND OF CY SCHWIETERMAN, INC. FOR THE FRITZ DITCH PROJECT.**

\*\*\*\*\*

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 8th day of October, 2009.

Commissioner Bergman moved the adoption of the following

**RESOLUTION**

**WHEREAS**, the Engineer's office has filed with this Board a contract and bond with Cy Schwieterman, Inc. for labor and materials for said Fritz Ditch project petitioned under Senate Bill 160; and,

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

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners, Auglaize County, Ohio, does hereby approve the contract and bond with Cy Schwieterman, Inc., as presented, for the Fritz Ditch project; and,

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

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

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

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

Adopted this  
8th day of  
October, 2009

**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: County Engineer

# DITCH CONTRACT

Revised Code, Sec. 6131.41

*In the Matter of the*                      FRITZ DITCH

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

THIS AGREEMENT, *made and entered into on this*                      *day of*                      2009,  
*by and between the County Commissioners of*                      AUGLAIZE COUNTY                      ,  
*Ohio, and hereinafter designated as "First Party," and*                      CY SCHWIETERMAN, INC.                      *of*  
10097 KOHLER ROAD, WAPAKONETA, OHIO 45895 *hereinafter designated as "Second Party."*

WITNESSETH, THAT SAID "SECOND PARTY," *For and in consideration of the sum*  
*of*                      EIGHTY TWO THOUSAND NINE HUNDRED EIGHTY-SEVEN AND 20/100  
*( \$ 82,987.20)                      Dollars, to be paid as hereinafter specified, hereby agree to furnish unto said*  
*"First Party." all the necessary materials, and do all the work and labor required to construct the*  
FRITZ DITCH *improvement petitioned for by* SENATE BILL 160 *and others,*  
*in accordance with plans, drawings and specifications for the same hereto attached, which plans, drawings*  
*and specifications are hereby declared to be a part of this contract.*

*Said "Second Party" further agrees to furnish said materials and to do the said work and labor*  
*promptly, in a good substantial and workmanship manner, under the direction of the County Engineer in*  
*charge, without hindrance or delay to any other branch or class of work on said* FRITZ  
DITCH *and to work in harmony with and to render such assistance to other branches of work as their*  
*connection therewith and the progress of the* FRITZ DITCH *may require. The whole*  
*to be completed to the satisfaction and acceptance of said "First Party" on or before the* 31<sup>st</sup> *day of*  
DECEMBER, 2010.

AND SAID "FIRST PARTY," *for and in consideration of the true and faithful performance of*  
*said work and labor and furnishings of said materials as aforesaid, hereby agree to pay unto the said "Second*  
*Party" said sum of* EIGHTY TWO THOUSAND NINE HUNDRED EIGHTY-SEVEN AND  
20/100 *( \$ 82,987.20)                      Dollars, in installment from time to time, upon the certificate of*  
*acceptance of the County Engineer and as provided by law.*

Now if the said

CY SCHWIETERMAN, INC.

of

10097 KOHLER ROAD, WAPAKONETA, OHIO

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

Executive in Presence of



David Schwieteman

signed



witness

Cy Schwieteman, Inc.

company

10097 Kohler Rd.

street



witness

Wapakoneta, Oh 45895

city, state, zip

The above Contract being good and sufficient is approved this 7<sup>th</sup> day of October, 2009.

  
commissioner  
commissioner  
commissioner



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

Now if the said **CY SCHWIETERMAN, INC.**

of **10097 KOHLER ROAD, WAPAKONETA, OHIO**

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

Executive in Presence of

David C. Schwieterman  
Signed

Kevin Sowa  
witness

Cy Schwieterman, Inc.  
company

Fred Wemille  
witness

10097 Kohler Rd.  
street

Wapakoneta Oh. 45895  
city, state, zip

The above Bond being good and sufficient is approved this 8<sup>th</sup> day of October, 2009.

Douglas A. Sence  
commissioner

Don Regula  
commissioner

John N. Bergman  
commissioner

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

To: Board of County Commissioners  
Auglaize County, Ohio

In Re: PERFORMANCE BONDING FOR THE FRITZ DITCH

Gentlemen:

*We, the undersigned, do hereby establish a CONTRACT FOR PERFORMANCE BONDING in the favor of the Auglaize County Commissioners, and have established an account under the name of CY SCHWIETERMAN, INC. , having an address of 10097 KOHLER ROAD WAPAKONETA, OHIO 45895. The minimum amount established for this CONTRACT FOR PERFORMANCE BONDING has been determined by the Board of County Commissioners as being 125% of the estimated costs to complete the FRITZ DITCH improvement. The Estimated Construction Costs for said Ditch Improvement plus an additional 25%, has been established at ONE HUNDRED THREE THOUSAND SEVEN HUNDRED THIRTY FOUR AND 00/100 (\$103,734.00) dollars, and will be subject to the following terms and conditions:*

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

*2. The undersigned Contractor for said improvement shall be under contract with the Board of County Commissioners, and shall be completed on or before the 31<sup>st</sup> day of DECEMBER, 2010 to complete the necessary work as detailed on the plans, profiles, and specifications on file with the Board of County Commissioners. Failure to do so will be subject to all penalties as provided in the Ohio Revised Code.*

*If an Extension of Time to complete the Ditch Improvement is needed to be granted in order to complete the FRITZ DITCH , then the Contract for Performance Bonding must also be extended for the same Extension of Time in the amount of ONE HUNDRED THREE THOUSAND SEVEN HUNDRED THIRTY FOUR AND 00/100 (\$103,734.00) dollars, however, it cannot be construed that the Board of County Commissioners will grant such an extension of time unless extreme hardship or severe weather effects the established date of completion for said Ditch Improvement.*

*3. It is guaranteed by the undersigned Contractor that the Ditch Improvements as set forth on the plans, profiles, and specifications will be completed to it's entirety and approved by the Auglaize County Engineer on or before the 31<sup>st</sup> day of DECEMBER, 2010. If such a guarantee is breached, then the Board of County Commissioners shall, upon notice of such failure received by us in writing, be authorized to issue drafts against the Performance Bonding Agency, under the name of CY SCHWIETERMAN, INC. , having an address of 10097 KOHLER ROAD WAPAKONETA, OHIO 45895, up to and including the amount of the Estimated Construction Costs plus and additional 25% for the proposed Ditch Improvement known as the FRITZ DITCH herein mentioned, for the sole purpose of completing the improvements according to said plans, profiles, and specifications on file with the Board of County Commissioners and shall be in the amount of ONE HUNDRED THREE THOUSAND SEVEN HUNDRED THIRTY FOUR AND 00/100 (\$103,734.00) dollars.*

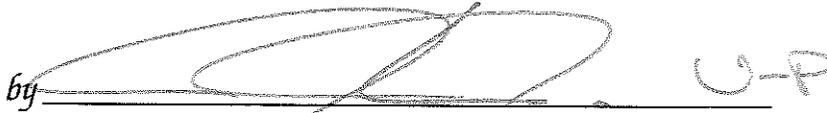
*4. Upon the enactment of any of the forementioned drafts against the Performance Bonding Agency under the name of FIRST NATIONAL BANK IN NEW BREMEN, does further guarantee payment of such drafts to complete the Ditch Improvement, regardless of default, insolvency, or bankruptcy by the Contractor under the name of CY SCHWIETERMAN, INC. having an address of 10097 KOHLER ROAD WAPAKONETA, OHIO 45895, and regardless of any objections of said CY SCHWIETERMAN, INC., the Contractor, or litigation or disagreement between the Board of County Commissioners of Auglaize County, FIRST NATIONAL BANK IN NEW BREMEN, OHIO, the Performance Bonding Company.*

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

6. The amount and date of such drafts drawn hereunder must be endorsed on the face hereof by of  
CY SCHWIETERMAN, INC. , having an address of 10097 KOHLER ROAD  
WAPAKONETA, OHIO 45895. We do hereby guarantee the Board of Commissioners of  
Auglaize County that all drafts drawn under and in compliance with the terms of this CONTRACT  
FOR PERFORMANCE BONDING shall meet with due honor upon presentation and delivery of  
documents in accordance with the terms and conditions hereof.

7. This CONTRACT FOR PERFORMANCE BONDING is limited to the sum herein  
mentioned and set forth, and in the event this CONTRACT FOR PERFORMANCE BONDING  
is exercised by the Board of County Commissioners, the amounts payable hereunder shall be the face  
value of at ONE HUNDRED THREE THOUSAND SEVEN HUNDRED THIRTY  
FOUR AND 00/100 (\$103,734.00) dollars, which less any amounts of improvements as performed  
by the undersigned Contractor towards completing said Ditch Improvement in accordance with the plans  
and specifications, and under the approval of the Auglaize County Engineer. It is also hereby understood  
that the Board of County Commissioners and/or the Auglaize County Engineer shall not arbitrarily or  
unreasonably withhold approval of the installations or improvements made for said  
improvement, and shall specifically state the nature and extent of any objections to these  
improvements made by the undersigned Contractor before invoking payment under this  
CONTRACT FOR PERFORMANCE BONDING.

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

*by*    
official signature from BONDING AGENCY OR BANK  
JERRY S. LEHMAN, JR., VICE PRESIDENT

*for* FIRST NATIONAL BANK IN NEW BREMEN  
BONDING AGENCY OR BANK

435 S. WASHINGTON STREET

address

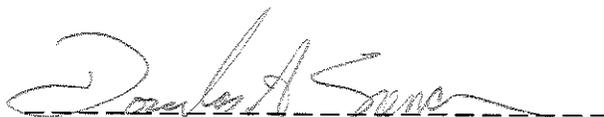
NEW BREMEN, OHIO 45869

city, state, zip

419-629-2761

phone

All terms and conditions of the this CONTRACT FOR PERFORMANCE BONDING  
for the development of the FRITZ DITCH accepted by the Board of Commissioners of  
Auglaize County, pursuant to Resolution No. 09-312 passed this 8th day  
of October, 2009.

  
commissioner - Auglaize County

  
commissioner - Auglaize County

  
commissioner - Auglaize County

All terms and conditions accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

  
authorized signature for CONTRACTOR

CY SCHWIETERMAN, INC.  
COMPANY

10097 KOHLER ROAD  
address

WAPAKONETA, OHIO 45895, OHIO 45869  
city, state, zip

(419) 753-2566  
phone

# DITCH CONSTRUCTION PROPOSAL

## DELINQUENT TAX AFFIDAVIT

STATE OF OHIO, COUNTY OF AUGLAIZE:

TO: *The Auditor of Auglaize County*

*The Affiant* Cy Schwieterman, Inc.  
Name of person, organization, or company

*Located at* 10097 Kohler Rd., Wapakoneta, Oh 45895  
Address: street, city, state, and zip code

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

FRITZ DITCH

*was submitted (check one):*

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

*Sworn and subscribed by* David Schwieterman,  
Cy Schwieterman, Inc. *this* 21st *day of* September, 2009.  
Name of person, organization, or company

*David C. Schwieterman*  
Signature of person or authorized representative of Affiant

*Before me, a notary public, on this* 21st *day of* September, 2009, *personally appeared*  
David Schwieterman, *the Affiant in the foregoing affidavit who acknowledged the signing thereof to be his/hier voluntary act and deed. In testimony whereof, I have hereto subscribed my name and affixed my seal on this day and year aforesaid.*

*Joyce T. Gerlach*  
(Notary Public)

*My Commission Expires:*



JOYCE T. GERLACH  
Notary Public, State of Ohio  
My Commission Expires August 17, 2010

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

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

# DITCH CONSTRUCTION PROPOSAL

## NON-COLLUSION AFFIDAVIT

STATE OF OHIO, COUNTY OF AUGLAIZE:

*Bid Identification:* **FRITZ DITCH BID**

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

of Cy Schwieterman, Inc.  
(name of contractor submitting bid)

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

*David C. Schwieterman*  
By: David Schwieterman, President  
(Name & Title)

Subscribed and sworn to before me this 21st day of September, 2009.

*Joyce T. Gerlach*  
(Notary Public)



JOYCE T. GERLACH  
Notary Public, State of Ohio  
My Commission Expires August 17, 2010

(Seal of Notary)

# DITCH CONSTRUCTION PROPOSAL

## AFFIDAVIT OF COMPLIANCE WITH OHIO REVISED CODE SECTION 3517.13

STATE OF OHIO  
COUNTY OF AUGLAIZE

David Schwieterman being duly sworn, deposes and states as follows:

1. I am duly authorized to make the statements contained herein on behalf of Cy Schwieterman, Inc.  
\_\_\_\_\_  
("the Contracting Party")
2. The Contracting Party is a/an (select one):
  - Individual, partnership, or other unincorporated business association (including, without limitation, a professional association organized under Ohio Revised Code Chapter 1785), estate, or trust.
  - Corporation organized and existing under the laws of the State of OHIO
  - Labor organization
3. I hereby affirm that the Contracting Party and each of the individuals specified in R.C. 3517.13(I)(3) (with respect to non-corporate entities and labor organizations) or R.C. 3517.13(J)(3) (with respect to corporations) are in full compliance with the political contribution limitations set forth in R.C. 3517.13 (I) and (J), as applicable.
4. That none of the following has **individually** made within the two previous calendar years and that, if awarded a contract for the purchase of goods or services in excess of \$10,000, none of the following **individually** will make, beginning on the date the contract is awarded and extending until one year following the conclusion of the contract, as an individual, one or more campaign contributions totaling in excess of \$1,000, to the Board of Auglaize County Commissioners or their campaign committee:
  - a. myself;
  - b. any partner or owner or shareholder of the partnership (if applicable);
  - c. any owner of more than 20% of the corporation or business trust (if applicable);
  - d. each spouse of any person identified in (a) through (c) of this section;
  - e. each child seven years of age to seventeen years of age of any person identified in divisions (a) through (c) of this section (only applicable to contributions made on or after MAY 4, 2007).
5. That none of the following have **collectively** made since MAY 4, 2007, and that, if awarded a contract for the purchase of goods or services in excess of \$10,000, none of the following **collectively** will make, beginning on the date the contract is awarded and extending until one year following the conclusion of the contract, one or more campaign contributions totaling in excess of \$2,000, to the Auglaize County Board of Commissioners or their campaign committee:
  - a. myself;
  - b. any partner or owner or shareholder of the partnership (if applicable);
  - c. any owner of more than 20% of the corporation or business trust (if applicable);
  - d. each spouse of any person identified in (a) through (c) of this section;
  - e. each child seven years of age to seventeen years of age of any person identified in divisions (a) through (c) of this section (only applicable to contributions made on or after MAY 4, 2007).
6. I understand that a false representation on this certification constitutes a felony of the fifth degree pursuant to R. C. 3517.13(AA) and 3517.992(R)(3).
7. Any contract that contains a falsified certification shall be rescinded.

Affiant further sayeth naught.

  
By David Schwieterman  
\_\_\_\_\_  
Title President  
\_\_\_\_\_

SWORN TO BEFORE ME and subscribed in my presence this 21st day of September, 2009.

SEAL

  
\_\_\_\_\_  
(Notary Public)  
JOYCE T. GERLACH  
Notary Public, State of Ohio  
My Commission Expires August 17, 2010

**IN THE MATTER OF AUTHORIZING PAYMENT TO JILL WILLIAMS FOR CHILD CARE SERVICES.**  
\*\*\*\*\*

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 8th day of October, 2009.

Commissioner Bergman the adoption of the following:  
**RESOLUTION**

**WHEREAS**, the Auglaize County Department of Job & Family Services presented the Board with a Certificate of Authorization for Payment of Publicly Funded Child Care Services (COAP), Terms of Agreement for child care services provided by Jill Williams for one child; and,

**WHEREAS**, Job and Family Services Director Michael Morrow requested that the Board of County Commissioners approve and authorize the Terms of Agreement for this type of Child Care Services Funding.

**THEREFORE, BE IT RESOLVED** that the Board of Commissioners, Auglaize County, Ohio does hereby approve and authorize the "Terms of Agreement" for the Certificate of Authorization for Payment of Publicly Funded Child Care Services (COAP) to Jill Williams.

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

Adopted this  
8th day of  
October, 2009

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: County Department of Job & Family Services –  
Michael Morrow

**IN THE MATTER OF SETTING DATE, TIMES AND LOCATION AT WHICH TO CONVENE IN SPECIAL SESSIONS ON OCTOBER 14, 2009 OF THE AUGLAIZE COUNTY BOARD OF COMMISSIONERS.**

.....

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 8th day of October, 2009.

Commissioner Bergman moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, pursuant to Ohio Revised Code Section 305.07, "the Board of County Commissioners may provide by Resolution for the holding of special sessions"; and,

**WHEREAS**, on October 14, 2009, at 7:00 p.m., in the Basement Meeting Room, located in the Auglaize County Administration Building, 209 S. Blackhoof St., Room 201, Wapakoneta, Ohio, the Auglaize County Solid Waste Management District Policy Planning Committee, will be conducting a Public Hearing for the Solid Waste Management District Plan; and,

**WHEREAS**, immediately following the Public Hearing, a meeting of the Auglaize County Solid Waste Management District Policy Planning Committee will meet in said Administration Building Meeting Room.

**THEREFORE BE IT RESOLVED**, as the Auglaize County Board of Commissioners plan to attend about mentioned Public Hearing and meeting, said Board does hereby set the above mentioned date, times and place to convene special sessions of said Board; and,

**BE IT FURTHER RESOLVED** that a copy of this Resolution be provided to The Evening Leader, The Wapakoneta Daily News, The Lima News and The Daily Standard to ensure adequate public notice of these special sessions.

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

Adopted this  
8th day of  
October, 2009

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: newspapers