The Board of Clark County Commissioners met in regular session pursuant to adjournment in accordance with Section 121.22 O.R.C. (Sunshine Law) at the Springview Government Center, 3130 East Main Street, Springfield, Ohio.

The following members and guests were present: Commissioner Richard L. Lohnes; Commissioner John Detrick; Commissioner David Hartley; Nathan Kennedy, County Administrator; Megan Lokai, Clerk; Tiffany Latta, Springfield News Sun; Chief Carl Loney, Clark County Sheriff's Office; Captain Eric Holmes, Clark County Sheriff's Office; Jim Strohl; Reverend Linda Stampley; City Commissioner Karen Duncan; City Commissioner Joyce Chilton; Peggy Hanna & Jim Hanna.

Call to Order, Commission President Lohnes

Resolution 2014-0343

Commissioner Lohnes called the meeting to order. Following the pledge and invocation, Mr. Kennedy presented the financial update.

Financial Update:

Mr. Kennedy explained he was focused on the general fund primarily. There were a few special revenue funds that he focused on. Special revenue funds were not as contentious.

The general fund was more unrestricted. As of March 31, 2014 the revenue side brought in about 28% of the budgeted revenue. Some of the revue was ahead of itself due to inside millage. They were hitting target numbers. See attached sheets. Revenue was coming in slightly better than planned. Expenditures were less than initially appropriated. Departments were holding the line very well. The Transfers Out was one of the line items that were smooth. Commissioner Hartley asked how much will it change with the extra pay this month. The expenditures will go up more. The first half of the year will show it better than the first quarter of the year. The encumbrances were high due to the beginning of the year. The cash balance was high as well.

- Sales tax: As of April it was 1.5% ahead of last year. Last year was a really good year. In addition the revenue was anticipated to drop a bit. Reverend Stampley asked if it would keep growing next month. Mr. Kennedy said that was the million dollar question. He was concerned with pent up demand. He was happy to see that it was higher. Sales tax should always increase a little bit. It was probably keeping up with the rate of inflation. Commissioner Lohnes said the inflation rate was being held at 2% or below currently.
- Local Government Fund (LGF) was getting smaller and smaller every year. Initially the county used to get around \$3 million. Investment earnings were not good right now. Those were two large hits to the county budget.
- Debt: Currently the general obligation (GO) debt was \$17.4 million. \$1.4 million of the debt was note debt. On the agenda today was a series of resolutions to reissue that debt and add some new money. It should drop the following year. The net gain of debt was around \$400,000. It will cover the costs of the control panel in the jail, shower trailer for the jail, and the Springview Phase II Renovations.

Mr. Kennedy noted in 2008 the debt was at \$26 million. Now it was down to \$17 million. If the Board goes forward with the Courthouse and AB Graham renovations the debt load will increase. However, the aggressive debt service schedule will bring it back down again.

Mr. Kennedy reviewed the five year projections. \$700,000 was rolled to the rainy day fund. He recommended the Board transfer around half million to rainy day fund again. It will put the Board in compliance with the Budget Policies. Provided projects were not added and the sales tax was maintained for some time things looked fairly good. Reverend Stampley thanked Mr. Kennedy and the Board for a great job.

Commissioner Detrick asked about the following resolutions:

Resolutions 2014-: He asked where Kennedy Drive was. Chief Loney stated it was in Crystal Lakes.

Resolution 2014-: Part of widening for lower valley pike. Has a high accident count.

Resolutions 2014-0348, 0349, 0350, and 0351 were all the note resolutions. Mr. Kennedy said they were covered last week. The old money portion was always on a resolution and each new purpose has a new resolution.

Resolution 2014-0352 authorized a proper public purpose resolution. It was to maintain compliance with State of Ohio Auditor's Office technical bulletin. The Board has to authorize a proper public purpose resolution. It only happened a couple times a year. It was not general fund money. It was JFS funds.

Resolution 2014-0353 was a monthly pass through. It was determined by usage. Commissioner Lohnes said the amount decreased due to the law expiring and the state house wrote a new one for a smaller percentage.

Resolution 2014-0354 authorized a payment for a pass through of marriage license money to Project Woman. Mr. Kennedy said it was a statutory payment. It was the fee that was assessed when you get married. Common Pleas also contributed to that fund also. Commissioner Detrick said roughly 800 people get married in Clark County each year.

Commissioner Hartley asked about the following resolutions:

Resolutions 2014-0347 authorized the then and now. He noted the Sheriff was still in the lead.

He requested a separate vote on Resolution 2014-0351.

Commissioner Lohnes did not have any questions.

There were not comments from the City Commissioners.

Commissioner Hartley moved to approve the minutes of the last meeting and dispense with reading of the same. Commissioner Detrick seconded the motion. The roll being called for passage resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

The motion carried.

Commissioner Hartley moved to approve the then and nows. Commissioner Detrick seconded the motion. The roll being called for passage resulted as follows:

Commissioner Hartley, Yes; Commissioner Detrick, Yes; Commissioner Lohnes, Yes

The motion carried.

Commissioner Hartley moved to approve the agenda in its entirety with the exception of Resolution 2014-0351. Commissioner Detrick seconded the motion. The roll being called for passage resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

The motion carried.

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Commissioner Detrick moved to approve Resolution 2014-0351. Commissioner Lohnes seconded the motion. The roll being called for passage resulted as follows:

Commissioner Hartley, No; Commissioner Detrick, Yes; Commissioner Lohnes, Yes

The motion carried.

Resolution 2014-0344

Instruct Clerk to Advertise for Bids for Kennedy Drive Drainage Improvements Project

Commissioner Hartley moved, per the request of the Grants Coordinator, to instruct the Commission Clerk to advertise for bids for the Kennedy Drive Drainage Improvements Project. Said bids will be opened in public session on May 22, 2014 at approximately 10:00 AM, 5th Floor, County Offices/Municipal Courts Building, 50 East Columbia Street, Springfield, Ohio 45502. It is noted that bids are due in the County Commission office at the above address no later than 10:00 AM on May 22, 2014.

Commissioner Detrick seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

Resolution 2014-0345

Authorize Contract for Sale & Purchase of Right of Way CLA CR 316 – Lower Valley Pike LPA Project 88008

Commissioner Hartley moved upon the recommendation of the County Administrator, per the request of the Deputy County Engineer, to authorize the following:

Agreement with: The 11136 Trust, John J. George Trustee

9978 Lower Valley Pike Medway, Ohio 45341 Parcel 29 WD

In the amount of: \$ 300

Purpose: Acquisition of Right of way

Agreement with: Medway Christian Church

11143 Lower Valley Pike Medway, Ohio 45341

Parcel 30 WD

In the amount of: \$500

Purpose: Acquisition of Right of way

Agreement with: James & Marilyn Smith

10972 Lower Valley Pike Medway, Ohio 45341 Parcel 39 WD

In the amount of: \$ 300

Purpose: Acquisition of Right of way

Further move to authorize the County Administrator to execute all contract related documents.

Commissioner Detrick seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

Resolution 2014-0346

Authorize Intra-Fund Transfer(s)

Commissioner Hartley moved, upon the recommendation of the County Administrator, to authorize the following Intra-Fund Transfer(s):

From			To		
Department	Expense Acct.	Amount	Department	Expense Acct.	Amount
Fund: General					
IS Dept	Personnel & Fringes	\$10,000.00	IS Dept	Operating Exp	\$10,000.00
Reason: Money will be used to cover costs for CND Security Inc.					
Fund: General					
Comm Dev	Personnel & Fringes	\$12,500.00	Comm Dev	Operating Exp	\$12,500.00
Reason: To be reserved for land bank consultant.					

Commissioner Detrick seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

Resolution 2014-0347

Approve Issuance of Warrants for Then and Now(s)

Commissioner Hartley moved, to approve the issuance of warrants for then and now(s) are as follows:

P.O. Number	Fund	Vendor	Date Purchase	Amount
290700	General (Sheriff)	SRMC Lab	3/10-27/14	\$1,204.96
Reason: I was not aware that lab work was being done on these individual therefore the funds had not been set				
aside.				

Commissioner Detrick seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Hartley, Yes; Commissioner Detrick, Yes; Commissioner Lohnes, Yes

Resolution 2014-0348

A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$380,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF EQUIPPING THE COUNTY JAIL

Commissioner Hartley moved adoption of the following:

WHEREAS, the County Auditor, as fiscal officer of the County, has certified to this Board that the estimated life or period of usefulness of the improvements described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 10 years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds described in Section 1, is 15 years from their date of issuance;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Clark, State of Ohio, that:

- Section 1. <u>Authorized Principal Amount of Anticipated Bonds and Purpose</u>. It is necessary to issue bonds of the County in the aggregate principal amount of \$380,000 (the Bonds) for the purpose of paying costs of equipping the County Jail.
- Section 2. <u>Estimated Bond Terms</u>. The Bonds shall be dated approximately May 1, 2015, shall bear interest at the now estimated rate of 5% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 10 annual principal installments that are substantially equal. The first principal installment is estimated to be December 1, 2016.
- Section 3. Authorized Principal Amount of Notes; Interest Rate. It is necessary to issue and this Board determines that notes in the aggregate principal amount of \$380,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall bear interest at a rate not to exceed 4% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for and, in the event the County does not pay or make provision for payment at maturity of the debt charges on the Notes, from the maturity date until the County pays or makes provision to pay that principal amount. The rate of interest on the Notes shall be determined by the County Administrator in the certificate awarding the Notes in accordance with Section 6 (the Certificate of Award).
- Section 4. Payment of Debt Charges; Paying Agent; Dating. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America if so requested by the Original Purchaser (as defined in Section 6) and shall be payable, without deduction for services of the County's paying agent, at the designated corporate trust office of U.S. Bank National Association or at the office of a bank or trust company requested by the Original Purchaser, provided that such bank or trust company shall be acceptable to the County Administrator and such request shall be approved by the County Administrator only after determining that the payment at that bank or trust company will not endanger the funds or securities of the County and that proper procedures and safeguards are available for that purpose (the Paying Agent).

The Notes shall be dated the date of issuance and shall mature on May 27, 2015; provided that the County Administrator may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date up to one year from the date of issuance by setting forth that maturity date in the Certificate of Award. The Notes shall not be prepayable prior to maturity.

Section 5. <u>Execution of Notes; Book Entry System.</u> The Notes shall be signed by at least two members of the Board of County Commissioners and by the County Auditor, in the name of the County and in their official capacities, provided that all but one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the County Administrator, provided that the entire principal amount may be represented by a single note. The Notes shall not have coupons attached, shall be numbered as determined by the County Administrator and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Resolution. As used in this section and this Resolution:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the County and payable only to a Depository or its nominee, with such Notes "immobilized" in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the County is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the County.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the County may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the County does not or is unable to do so, the County, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of County action or inaction, of those persons requesting such issuance.

The County Administrator is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the County.

Section 6. Award and Sale of the Notes. The Notes shall be sold at not less than par at private sale to the original purchaser designated by the County Administrator in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Resolution. The County Administrator shall sign the Certificate of Award evidencing that sale, cause the Notes to be prepared and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. Any member of this Board, the County Administrator, the Clerk of this Board, the County Auditor, the County Treasurer, the County Prosecuting Attorney and other County officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Resolution. The County Administrator is authorized, if it is determined to be in the best interest of the County, to combine the issue of Notes with one or more other note issues of the County into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. <u>Application of Note Proceeds</u>. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. <u>Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds</u>. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes and the Bonds and are pledged for that purpose.

Section 9. Provisions for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the County, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due. In each year that payments from other sources are received and are lawfully

available for the payment of debt charges on the Notes and Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of the revenues and payments so available and appropriated.

Section 10. <u>Federal Tax Considerations</u>. The County covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The County further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purposes of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The County Auditor, as the fiscal officer, or any other officer of the County having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation of the Notes as "qualified tax-exempt obligations), choice, consent, approval, or waiver on behalf of the County with respect to the Notes as the County is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the County, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the County, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

- Section 11. <u>Certification and Delivery of Resolution</u>. The Clerk of this Board is directed to deliver or cause to be delivered a certified copy of this Resolution to the County Auditor.
- Section 12. <u>Satisfaction of Conditions for Note Issuance</u>. This Board determines that all acts and conditions necessary to be done or performed by the County or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the County have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the County are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.
- Section 13. <u>Compliance with Open Meeting Requirements</u>. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meetings open to the public in compliance with the law.
- Section 14. <u>Captions and Headings</u>. The captions and headings in this Resolution are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Resolution unless otherwise indicated.

Section 15. <u>Effective Date</u>. This Resolution shall be in full force and effect immediately upon its adoption.

Commissioner Detrick seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

Resolution 2014-0349

A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$40,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING A TRAILER FOR USE IN PERFORMING THE FUNCTIONS OF THE COUNTY JAIL

Commissioner Hartley moved the adoption of the following:

WHEREAS, the County Auditor, as fiscal officer of the County, has certified to this Board that the estimated life or period of usefulness of the improvements described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is five years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds described in Section 1, is 10 years from their date of issuance;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Clark, State of Ohio, that:

- Section 1. <u>Authorized Principal Amount of Anticipated Bonds and Purpose</u>. It is necessary to issue bonds of the County in the aggregate principal amount of \$40,000 (the Bonds) for the purpose of paying costs of acquiring a trailer for use in performing the functions of the County Jail.
- Section 2. <u>Estimated Bond Terms</u>. The Bonds shall be dated approximately May 1, 2015, shall bear interest at the now estimated rate of 5% per year, payable semiannually until the principal amount is paid, and are estimated to mature in five annual principal installments that are substantially equal. The first principal installment is estimated to be December 1, 2016.
- Section 3. <u>Authorized Principal Amount of Notes; Interest Rate.</u> It is necessary to issue and this Board determines that notes in the aggregate principal amount of \$40,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall bear interest at a rate not to exceed 4% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for and, in the event the County does not pay or make provision for payment at maturity of the debt charges on the Notes, from the maturity date until the County pays or makes provision to pay that principal amount. The rate of interest on the Notes shall be determined by the County Administrator in the certificate awarding the Notes in accordance with Section 6 (the Certificate of Award).
- Section 4. Payment of Debt Charges; Paying Agent; Dating. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America if so requested by the Original Purchaser (as defined in Section 6) and shall be payable, without deduction for services of the County's paying agent, at the designated corporate trust office of U.S. Bank National Association or at the office of a bank or trust company requested by the Original Purchaser, provided that such bank or trust company shall be acceptable to the County Administrator and such request shall be approved by the County Administrator only after determining that the payment at that bank or trust company will not endanger the funds or securities of the County and that proper procedures and safeguards are available for that purpose (the Paying Agent).

The Notes shall be dated the date of issuance and shall mature on May 27, 2015; provided that the County Administrator may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date up to one year from the date of issuance by setting forth that maturity date in the Certificate of Award. The Notes shall not be prepayable prior to maturity.

Section 5. <u>Execution of Notes; Book Entry System.</u> The Notes shall be signed by at least two members of the Board of County Commissioners and by the County Auditor, in the name of the County and in their official capacities, provided that all but one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the County Administrator, provided that the entire principal amount may be represented by a single note. The Notes shall not have coupons attached, shall be numbered as determined by the County Administrator and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Resolution. As used in this section and this Resolution:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the County and payable only to a Depository or its nominee, with such Notes "immobilized" in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the County is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the County.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the County may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the County does not or is unable to do so, the County, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of County action or inaction, of those persons requesting such issuance.

The County Administrator is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the County.

Section 6. Award and Sale of the Notes. The Notes shall be sold at not less than par at private sale to the original purchaser designated by the County Administrator in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Resolution. The County Administrator shall sign the Certificate of Award evidencing that sale, cause the Notes to be prepared and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. Any member of this Board, the County Administrator, the Clerk of this Board, the County Auditor, the County Treasurer, the County Prosecuting Attorney and other County officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or

appropriate to consummate the transactions contemplated by this Resolution. The County Administrator is authorized, if it is determined to be in the best interest of the County, to combine the issue of Notes with one or more other note issues of the County into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

- Section 7. <u>Application of Note Proceeds</u>. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.
- Section 8. <u>Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds</u>. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes and the Bonds and are pledged for that purpose.
- Section 9. Provisions for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the County, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due. In each year that payments from other sources are received and are lawfully available for the payment of debt charges on the Notes and Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of the revenues and payments so available and appropriated.

Section 10. <u>Federal Tax Considerations</u>. The County covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The County further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purposes of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The County Auditor, as the fiscal officer, or any other officer of the County having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation of the Notes as "qualified tax-exempt obligations), choice, consent, approval, or waiver on behalf of the County with respect to the Notes as the County is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the County, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the County, for inclusion in the transcript of proceedings for the Notes, the facts, circumstances

and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

- Section 11. <u>Certification and Delivery of Resolution</u>. The Clerk of this Board is directed to deliver or cause to be delivered a certified copy of this Resolution to the County Auditor.
- Section 12. <u>Satisfaction of Conditions for Note Issuance</u>. This Board determines that all acts and conditions necessary to be done or performed by the County or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the County have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the County are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.
- Section 13. <u>Compliance with Open Meeting Requirements</u>. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meetings open to the public in compliance with the law.
- Section 14. <u>Captions and Headings</u>. The captions and headings in this Resolution are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Resolution unless otherwise indicated.
- Section 15. <u>Effective Date</u>. This Resolution shall be in full force and effect immediately upon its adoption.

Commissioner Detrick seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

Resolution 2014-0350

A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$2,715,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF (i) INSTALLING A NEW SANITARY SEWER IN THE WEST ENON ESTATES SUBDIVISION LOCATED WITHIN THE COUNTY, BY CONSTRUCTING GRAVITY SEWERS, FORCE MAINS, MANHÓLES AND A LIFT STATION, REPLACING PAVEMENT, AND RESTORING UNDERGROUND AND SURFACE AREAS, (ii) IMPROVING CLARK COUNTY GENERAL SEWER DISTRICT BY CONSTRUCTING **VALVES** WATER LINES, **HYDRANTS** AND IN LAWRENCEVILLE WATER DISTRICT AND CONSTRUCTING IMPROVEMENTS TO THE NORTHRIDGE BOOSTER WATER STATION, (iii) ACQUIRING A BUILDING TO HOUSE FUNCTIONS OF THE COUNTY DEPARTMENT OF UTILITIES, (iv) IMPROVING **COUNTY SEWER** DISTRICT CLARK **GENERAL** CONSTRUCTING **IMPROVEMENTS SOUTHWEST** TO THE REGIONAL WASTEWATER TREATMENT PLANT INCLUDING INSTALLATION OF A ROTARY SCREW PRESS AND A PRE-ENGINEERED METAL STRUCTURE TO HOUSE THE SAME AND REPLACEMENT OF PUMPS AND DIGESTER AIR DIFFUSERS, (v) ACQUIRING MAGNETOMETERS TO PROVIDE SECURITY AT COUNTY FACILITIES, (vi) ACQUIRING TWO MEDIUM DUTY PARA-TRANSIT BUSES FOR USE BY DEVELOPMENTAL

DISABILITIES OF THE COUNTY, (vii) ACQUIRING A NEW NARROWBAND STATE OF OHIO MULTI-AGENCY RADIO COMMUNICATIONS (MARCS) COMPLIANT RADIO SYSTEM FOR USE BY THE COUNTY SHERIFF'S DEPARTMENT, (viii) IMPROVING THE HVAC SYSTEM IN THE COUNTY MUNICIPAL COURT BUILDING, AND (ix) ACQUIRING RADIO CONSOLES FOR USE BY THE COUNTY SHERIFF'S DEPARTMENT

Commissioner Hartley moved to adopt the following:

WHEREAS, pursuant to Resolution Nos. 2013-0342, 2013-0343 and 2013-0344, each adopted on April 30, 2013, there were issued \$3,475,000 Various Purpose Improvement Notes, Series 2013 (the Outstanding Notes), in anticipation of bonds for the purposes stated in Section 1, and other purposes, which Outstanding Notes mature on May 29, 2014; and

WHEREAS, this Board finds and determines that the County should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the County; and

WHEREAS, the County Auditor, as fiscal officer of the County, has certified to this Board that the estimated life or period of usefulness of each of the improvements described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in clause (i) of Section 1 is 32 years, in clause (ii) is 40 years, in clause (iii) is 30 years, in clause (iv) is 20 years, in clauses (v) and (ix) is five years, in clauses (vi) and (vii) is 10 years, and in clause (viii) is 15 years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds described in clause (i) of Section 1 is July 22, 2022, in anticipation of the Bonds described in clauses (ii) and (iii) is June 7, 2030, in anticipation of the Bonds described in clause (iv) is June 1, 2031, in anticipation of the Bonds described in clauses (vi) and (vii) is November 29, 2027, in anticipation of the Bonds described in clause (viii) is November 29, 2032, and in anticipation of the Bonds described in clause (ix) is May 29, 2023;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Clark, State of Ohio, that:

Authorized Principal Amount of Anticipated Bonds and Purpose. It is necessary to issue Section 1. bonds of the County in the aggregate principal amount of \$2,715,000 (the Bonds) for the purpose of paying costs of (i) installing a new sanitary sewer in the West Enon Estates Subdivision located within the County, by constructing gravity sewers, force mains, manholes and a lift station, replacing pavement, and restoring underground and surface areas, together with all necessary work, incidentals and appurtenances thereto (\$280,000 of the Notes), (ii) improving Clark County General Sewer District by constructing water lines, hydrants and valves in the Lawrenceville Water District and constructing improvements to the Northridge Booster Water Station, all together with all necessary appurtenances thereto (\$60,000 of the Notes), (iii) acquiring a building to house functions of the County Department of Utilities (\$60,000 of the Notes), (iv) improving Clark County General Sewer District by constructing improvements to the Southwest Regional Wastewater Treatment Plant including installation of a rotary screw press and a pre-engineered metal structure to house the same and replacement of pumps and digester air diffusers, all together with all necessary appurtenances thereto (\$1,340,000 of the Notes), (v) acquiring magnetometers to provide security at County facilities, together with all necessary appurtenances thereto (\$45,000 of the Notes), (vi) acquiring two medium duty para-transit buses for use by Developmental Disabilities of the County (\$175,000 of the Notes), (vii) acquiring a new narrowband State of Ohio Multi-Agency Radio Communications (MARCS) compliant radio system for use by the County Sheriff's Department, together with all necessary appurtenances thereto (\$505,000 of the Notes), (viii) improving the HVAC system in the County Municipal Court Building, together with all necessary appurtenances thereto (\$180,000 of the Notes), and (ix) acquiring radio consoles for use by the County Sheriff's Department (\$70,000 of the Notes).

Section 2. <u>Estimated Bond Terms</u>. The Bonds shall be dated approximately May 1, 2015, shall bear interest at the now estimated rate of 6% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 18 annual principal installments that are substantially equal. The first principal installment is estimated to be December 1, 2016.

Section 3. <u>Authorized Principal Amount of Notes; Interest Rate.</u> It is necessary to issue and this Board determines that notes in the aggregate principal amount of \$2,715,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire, together with other funds available to the County, the Outstanding Notes. The Notes shall bear interest at a rate not to exceed 4% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for and, in the event the County does not pay or make provision for payment at maturity of the debt charges on the Notes, from the maturity date until the County pays or makes provision to pay that principal amount. The rate of interest on the Notes shall be determined by the County Administrator in the certificate awarding the Notes in accordance with Section 6 (the Certificate of Award).

Section 4. Payment of Debt Charges; Paying Agent; Dating. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America if so requested by the Original Purchaser (as defined in Section 6) and shall be payable, without deduction for services of the County's paying agent, at the designated corporate trust office of U.S. Bank National Association or at the office of a bank or trust company requested by the Original Purchaser, provided that such bank or trust company shall be acceptable to the County Administrator and such request shall be approved by the County Administrator only after determining that the payment at that bank or trust company will not endanger the funds or securities of the County and that proper procedures and safeguards are available for that purpose (the Paying Agent).

The Notes shall be dated the date of issuance and shall mature on May 27, 2015; provided that the County Administrator may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date up to one year from the date of issuance by setting forth that maturity date in the Certificate of Award. The Notes shall not be prepayable prior to maturity.

Section 5. <u>Execution of Notes; Book Entry System.</u> The Notes shall be signed by at least two members of this Board and by the County Auditor, in the name of the County and in their official capacities, provided that all but one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the County Administrator, provided that (i) no Note shall be issued in a denomination less than \$100,000 and (ii) the entire principal amount may be represented by a single note. The Notes shall not have coupons attached, shall be numbered as determined by the County Administrator and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Resolution. As used in this Section and this Resolution:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the County and payable only to a Depository or its nominee, with such Notes "immobilized" in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the County is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable

or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the County.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the County may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the County does not or is unable to do so, the County, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of County action or inaction, of those persons requesting such issuance.

The County Administrator is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the County.

- Section 6. Award and Sale of the Notes. The Notes shall be sold at not less than par at private sale to the original purchaser designated by the County Administrator in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Resolution. The County Administrator shall sign the Certificate of Award evidencing that sale, cause the Notes to be prepared and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. Any member of this Board, the County Administrator, the Clerk of this Board, the County Auditor, the County Treasurer, the County Prosecuting Attorney and other County officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Resolution. The County Administrator is authorized, if it is determined to be in the best interest of the County, to combine the issue of Notes with one or more other note issues of the County into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.
- Section 7. <u>Application of Note Proceeds</u>. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.
- Section 8. <u>Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds</u>. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes and the Bonds and are pledged for that purpose.
- Section 9. Provisions for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the County, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due. In each year that payments from other sources are received and are lawfully available for the payment of debt charges on the Notes and Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of the revenues and payments so available and appropriated.
- Section 10. <u>Federal Tax Considerations</u>. The County covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The County further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purposes of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The County Auditor, as the fiscal officer, or any other officer of the County having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation or treatment of the Notes as "qualified tax-exempt obligations), choice, consent, approval, or waiver on behalf of the County with respect to the Notes as the County is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the County, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the County, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Each covenant made in this Section with respect to the Notes is also made with respect to all issues any portion of the debt charges on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Notes.

- Section 11. <u>Certification and Delivery of Resolution</u>. The Clerk of this Board is directed to deliver or cause to be delivered a certified copy of this Resolution to the County Auditor.
- Section 12. <u>Satisfaction of Conditions for Note Issuance</u>. This Board determines that all acts and conditions necessary to be done or performed by the County or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the County have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the County are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.
- Section 13. <u>Compliance with Open Meeting Requirements</u>. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meetings open to the public in compliance with the law.
- Section 14. <u>Captions and Headings</u>. The captions and headings in this Resolution are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Resolution unless otherwise indicated.
- Section 15. <u>Effective Date</u>. This Resolution shall be in full force and effect immediately upon its adoption.

Commissioner Detrick seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

Resolution 2014-0351

A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$750,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF RENOVATING, FURNISHING, EQUIPPING AND OTHERWISE IMPROVING A PORTION OF THE COUNTY'S SPRINGVIEW GOVERNMENT CENTER

Commissioner Detrick moved the adoption of the following:

WHEREAS, the County Auditor, as fiscal officer of the County, has certified to this Board that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 20 years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds described in Section 1, is 240 months from their date of issuance;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Clark, State of Ohio, that:

- Section 1. <u>Authorized Principal Amount of Anticipated Bonds and Purpose</u>. It is necessary to issue bonds of the County in the aggregate principal amount of \$750,000 (the Bonds) for the purpose of paying costs of renovating, furnishing, equipping and otherwise improving a portion of the County's Springview Government Center, together with all necessary appurtenances thereto.
- Section 2. <u>Estimated Bond Terms</u>. The Bonds shall be dated approximately May 1, 2015, shall bear interest at the now estimated rate of 6% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments that are substantially equal. The first principal installment is estimated to be December 1, 2016.
- Section 3. <u>Authorized Principal Amount of Notes; Interest Rate.</u> It is necessary to issue and this Board determines that notes in the aggregate principal amount of \$750,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall bear interest at a rate not to exceed 4% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for and, in the event the County does not pay or make provision for payment at maturity of the debt charges on the Notes, from the maturity date until the County pays or makes provision to pay that principal amount. The rate of interest on the Notes shall be determined by the County Administrator in the certificate awarding the Notes in accordance with Section 6 (the Certificate of Award).
- Section 4. Payment of Debt Charges; Paying Agent; Dating. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America if so requested by the Original Purchaser (as defined in Section 6) and shall be payable, without deduction for services of the County's paying agent, at the designated corporate trust office of U.S. Bank National Association or at the office of a bank or trust company requested by the Original Purchaser, provided that such bank or trust company shall be acceptable to the County Administrator and such request shall be approved by the County Administrator only after determining that the payment at that bank or trust company will not endanger the funds or securities of the County and that proper procedures and safeguards are available for that purpose (the Paying Agent).

The Notes shall be dated the date of issuance and shall mature on May 27, 2015; provided that the County Administrator may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date up to one year from the date of issuance by setting forth that maturity date in the Certificate of Award. The Notes shall not be prepayable prior to maturity.

Section 5. <u>Execution of Notes; Book Entry System.</u> The Notes shall be signed by at least two members of the Board of County Commissioners and by the County Auditor, in the name of the County and in their official capacities, provided that all but one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the County Administrator, provided that the entire principal amount may be represented by a single note. The Notes shall not have coupons attached, shall be numbered as determined by the County Administrator and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Resolution. As used in this section and this Resolution:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the County and payable only to a Depository or its nominee, with such Notes "immobilized" in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the County is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the County.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the County may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the County does not or is unable to do so, the County, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of County action or inaction, of those persons requesting such issuance.

The County Administrator is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the County.

Section 6. Award and Sale of the Notes. The Notes shall be sold at not less than par at private sale to the original purchaser designated by the County Administrator in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Resolution. The County Administrator shall sign the Certificate of Award evidencing that sale, cause the Notes to be prepared and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. Any member of this Board, the County Administrator, the Clerk of this Board, the County Auditor, the County Treasurer, the County Prosecuting Attorney and other County officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Resolution. The County Administrator is

authorized, if it is determined to be in the best interest of the County, to combine the issue of Notes with one or more other note issues of the County into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

- Section 7. <u>Application of Note Proceeds</u>. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.
- Section 8. <u>Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds</u>. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes and the Bonds and are pledged for that purpose.
- Section 9. Provisions for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the County, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due. In each year that payments from other sources are received and are lawfully available for the payment of debt charges on the Notes and Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of the revenues and payments so available and appropriated.

Section 10. <u>Federal Tax Considerations</u>. The County covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The County further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purposes of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The County Auditor, as the fiscal officer, or any other officer of the County having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation of the Notes as "qualified tax-exempt obligations), choice, consent, approval, or waiver on behalf of the County with respect to the Notes as the County is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the County, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the County, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

- Section 11. <u>Certification and Delivery of Resolution</u>. The Clerk of this Board is directed to deliver or cause to be delivered a certified copy of this Resolution to the County Auditor.
- Section 12. <u>Satisfaction of Conditions for Note Issuance</u>. This Board determines that all acts and conditions necessary to be done or performed by the County or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the County have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the County are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.
- Section 13. <u>Compliance with Open Meeting Requirements</u>. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meetings open to the public in compliance with the law.
- Section 14. <u>Captions and Headings</u>. The captions and headings in this Resolution are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Resolution unless otherwise indicated.
- Section 15. <u>Effective Date</u>. This Resolution shall be in full force and effect immediately upon its adoption.

Commissioner Lohnes seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Hartley, No; Commissioner Detrick, Yes; Commissioner Lohnes, Yes

Resolution 2014-0352

Authorize Proper Public Purpose for Department of Job and Family Services

Commissioner Hartley moved to authorize an employee recognition breakfast and milestone gifts for the Department of Job and Family Services subject to availability of funds and in accordance with Section 5101.23 of the Ohio Revised Code, not to exceed \$3600. Further, the Board finds this is proper public purpose.

Commissioner Detrick seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

Resolution 2014-0353

Approve Payment to Clark County Sheriff's Office and City of Springfield

Commissioner Hartley moved, per request of the 9-1-1 Coordinator, to approve the following payment:

Payment to: Clark County Sheriff's Office

Address: 120 N. Fountain Ave. Springfield, Ohio

Services: Distribution of funds received from the Wireless 9-1-1 Government Assistance Fund

Pursuant to the Clark County Final 9-1-1 Plan Wireless Amendment, and the Board of Clark County Commissioners Resolution 861-07 dated 10/9/07. (March 2014 received

4/30/14)

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Funding Source(s): State Treasurer's 9-1-1 Government Assistance Fund

Amount: \$9,595.51

Payment to: City of Springfield

Address: 76 E. High St. Springfield, Ohio

Services: Distribution of funds received from the Wireless 9-1-1 Government Assistance Fund

Pursuant to the Clark County Final 9-1-1 Plan Wireless Amendment, and the Board of Clark County Commissioners Resolution 861-07 dated 10/9/07. (March 2014 received

4/30/14)

Funding Source(s): State Treasurer's 9-1-1 Government Assistance Fund

Amount: \$14,393.26

Commissioner Detrick seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

Resolution 2014-0354

Approve Payment to Project Woman

Commissioner Hartley moved, per request of the Budget Analyst, to approve the following payment:

Payment to: Project Woman

Address: 525 E. Home Rd. Springfield, Ohio 45503 **Services:** 1st quarter 2014 marriage license fees

Funding Source(s): Marriage License Fund

Amount: \$2,149.00

Commissioner Detrick seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

Resolution 2014-0355 Revised

Approve Travel/Expense Allowance

Commissioner Hartley moved, per request of the following Department Director(s) or Elected Official(s) to approve the following travel allowances.

Dept.	Name	Purpose	Place	Date	Cost
CCDJFS	A. Mann	Innovative Youth	Springfield, OH	5/15/14	\$ 2.24
		Interventions			
CCDJFS	CCDJFS Staff	OJFSDA Conference	Columbus, OH	5/21-22/14	\$5,410.00
CCDJFS	T. Ashley	CORE Training	Varies (Ohio) M	ay-Sept.'14	\$ 651.80
EMA	K. Johnson, L.	Managing Multiple	Dayton, OH	6/25/14	\$98.00
	D'Allessandris	Projects, Priorities,			
		and Deadlines			
		Seminar			
Recorder	N. Pence	ORA Continuing Ed	Athens, OH	6/8-10/14	\$450.00

Commissioner Detrick seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

Land Bank Members:

Mr. Kennedy explained in the previous resolution adopted regarding the Land Bank the Board gave staff the authority to start the articles of incorporation. He asked which two Commissioners would sit on the Land Bank Board. Commissioner Lohnes gave explained the Land Bank briefly to the audience. Commissioner Lohnes also noted he has talked with Mr. Metzger since the last time the land bank came up and he was ok pressing on with it. Commissioner Lohnes suggested Commissioners Detrick and Hartley sit on the Land Bank Board. The Commissioners agreed. Discussion ensued.

Mr. Kennedy explained the Health District was interested in updating their sign. The problem was the sign was actually on county property and not on the Health District property. When the property transfer was done within the last couple years the portion of the property with the sign was left out. Mr. Kennedy asked the Board if they wanted to sell it to them and do an easement. The Board was ok with doing the easement.

Audience Comments:

William Johnson, Old Clifton Road, missed the last commission meeting for the Goose Creek Ditch. He was very surprised when he looked into it. He is unhappy with his assessment. He has talked to the County Engineer's Office. The ditch was originally built in 1959 and they are unsure how the assessment was determined. Commissioner Lohnes said they will check with legal and the Engineer about this. They will work to get it fixed.

Peggy Hanna, Peace Alliance, asked for a resolution of support for a piece of legislation. It was for the Youth PROMISE Act, Senate Bill 1307. She hoped it would be up for a vote in August. She was going around asking for support for it. She gave background about herself and her family and why this was important to her. She was a mother of 9 and has had foster children since 1968. They adopted a 14 year old boy that needed help but they were unable to get the help they needed due to how the system was set up. This bill would help kids before they get into trouble. They have made it so it starts in the local community. See attached handouts.

Reverend Linda Stampley added she was proud of what Ms. Hanna was doing.

Ed Dow spoke about the 235 project in Park Layne. It seemed strange to him to put less access to businesses through there. Commissioner Lohnes noted the videos and that it was an ODOT project. Commissioner Detrick said he needed to attend the TCC meeting at 10:30 this Friday. Discussion ensued.

Mr. Kennedy asked Commissioners about their schedules in July so he could schedule the tax budget. The Commissioners decided to do the tax budget July 2nd and change that meeting from an evening meeting to a day meeting on July 1. The July 9th meeting needed to be cancelled due to a lack of quorum. Ms. Lokai will prep the resolutions for the next Commission meeting.

Resolution 2014-0356

Commissioner Hartley moved to adjourn. Commissioner Detrick seconded the motion. The roll being called for passage resulted as follows:

Commissioner Detrick, Yes; Commissioner Hartley, Yes; Commissioner Lohnes, Yes

The motion carried.

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	Ву: _	Richard L. Lohnes, President
I certify that the record is true and accurate:	Ву: _	John Detrick
	Bv:	

David Hartley

Commission Clerk