



MELANIE F. WILT

LOWELL R. McGLOTHIN

RICHARD L. LOHNES

3130 East Main Street, Springfield, OH 45503 | Phone: 937.521.2005 | Email: commission@clarkcountyohio.gov

Commission Meeting Agenda

August 11, 2021

8:30 A.M. Informal Session

10:00 A.M. Formal Session
Public Hearing

Call to Order President of County Commission
Resolution 2021-0523

Pledge to the flag

Approve minutes of the last meeting and
Dispense with reading of same: Commissioner Lohnes

Review/Action:

Matters before the Board and Departmental Requests: See attached motions

Staff Notes:

8:30 Charles Patterson, Health Commissioner – COVID-19 Update
Review Agenda
County Administrator Updates
Strategic Plan Updates
Calendar/Event Updates
10:00 Formal Session
TEFRA Public Hearing – Ohio Masonic Home Bond Issuance
Public Hearing #2 – Sales Tax Continuation

Connections. Communities. Opportunities.

The Board of County Commissioners, in and for Clark County, Ohio, met this 11th day of August, 2021 in regular session, pursuant to adjournment, in accordance with Section 121.22 O.R.C. (Sunshine Law), with the following members present, viz:

Melanie F. Wilt

Lowell R. McGlothlin

Richard L. Lohnes

Resolution 2021-0524
B&GC file

**Authorize Contract with
Waibel Energy Systems**

Commissioner ____ moved, per the request of the Buildings & Grounds Director, to authorize a contract with:

Organization Name: Waibel Energy Systems
Organization Address: 815 Falls Creek Drive, Vandalia, Ohio 45377
In the amount of: \$36,161.00
Funding Source(s): Permanent Improvement Fund
Purpose: HVAC install in Records Building at Springview
Effective Dates: August 11, 2021

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

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

Commissioner Lohnes, Commissioner McGlothlin, Commissioner Wilt,

I, Megan Burr, Clerk to the Board of County Commissioners, do hereby certify that the above is a true and correct copy of a motion as recorded in the Journal of the Clark County Commissioners, under the date of August 11, 2021.

Megan Burr, Clerk

copy: County Auditor
County Administrator
Requesting Department(s)

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Lowell R. McGlothlin

Richard L. Lohnes

Resolution 2021-0525
ENG file

**Authorize Contract with
Martin + Wood Appraisal Group**

Commissioner ____ moved, per the request of the County Engineer, to authorize a contract with:

Organization Name: Martin + Wood Appraisal Group, Ltd.
Organization Address: 485 Metro Place, Suite 475
Dublin, Ohio 43017
In the amount of: \$21,050.00
Funding Source(s): 80% Federal Highway (FHWA) and 20% Local Funds (MVGT)
Purpose: Appraisal Review – CLA CR 315-1.28 Enon Xenia Road
Effective Dates: August 11, 2021, through August, 2022

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

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

Commissioner Lohnes, Commissioner McGlothlin, Commissioner Wilt,

I, Megan Burr, Clerk to the Board of County Commissioners, do hereby certify that the above is a true and correct copy of a motion as recorded in the Journal of the Clark County Commissioners, under the date of August 11, 2021.

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Richard L. Lohnes

Resolution 2021-0526
ENG file

Authorize Contract with
O.R. Colan Associates

Commissioner ____ moved, per the request of the County Engineer, to authorize a contract with:

Organization Name: O.R. Colan Associates
Organization Address: 255 Taylor Station Road, Suite 100
Columbus, Ohio 43213
In the amount of: \$128,600.00
Funding Source(s): 80% Federal Highway (FHWA) and 20% Local Funds (MVGT)
Purpose: Right of Way Services – CLA CR 315-1.28 Enon Xenia Road
Effective Dates: August 11, 2021, through August, 2022

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

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

Commissioner Lohnes, Commissioner McGlothlin, Commissioner Wilt,

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County Administrator
Requesting Department(s)

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Richard L. Lohnes

Resolution 2021-0527
ENG file

**Authorize Change Order #1 for
2021 Roadway Resurfacing Contract**

Commissioner ____ moved, per the request of the County Engineer, to authorize change order #1 with:

Organization Name:	The Shelly Company
Organization Address:	1700 Fostoria Avenue, Suite 200, Findlay, Ohio 45840
Original Contract:	\$ 1,042,929.73
Previous Changes:	\$ 0
This Change:	\$ 174,731.73
New Contract Total:	\$ 1,217,661.46
Funding Source(s):	Local MVGT
Reason for Change:	Add Short Spangler Rd and increase quantities for Moorefield Township and South Charleston

Further move to authorize the County Administrator to execute the change order.

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

Commissioner Lohnes, Commissioner McGlothlin, Commissioner Wilt,

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copy: County Auditor
County Administrator
Requesting Department(s)
Organization

The Board of County Commissioners, in and for Clark County, Ohio, met this 11th day of August, 2021 in regular session, pursuant to adjournment, in accordance with Section 121.22 O.R.C. (Sunshine Law), with the following members present, viz:

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Richard L. Lohnes

Resolution 2021-0528
SHRC file

**Authorize Contract with
Charter Communications Operating, LLC**

Commissioner ____ moved, per the request of the Sheriff's Office, to authorize a contract with:

Organization Name: Charter Communications Operating, LLC
Organization Address: 12405 Powerscourt Drive, St. Louis, Missouri 63131
In the amount of: \$0.00
Funding Source(s): N/A
Purpose: Permit access to property located at 523 E Home Rd for the installation of fiber service.
Effective Dates: August 11, 2021 until construction is completion

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

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

Commissioner Lohnes, Commissioner McGlothlin, Commissioner Wilt,

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copy: County Auditor
County Administrator
Requesting Department(s)

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Richard L. Lohnes

Resolution 2021-0529
SHRC file

**Authorize Contract with
AT&T Corporation**

Commissioner ____ moved, per the request of the Sheriff's Office, to authorize a contract with:

Organization Name: AT&T Corporation
Organization Address: 1 AT&T Way, Bedminster, New Jersey 07921-0752
In the amount of: \$12,600.00 (\$525.00 monthly for two years)
Funding Source(s): 911 Dispatching
Purpose: Establish and transfer Sheriff's Office and Springfield Police non-emergency phone lines to the new 911 Center.
Effective Dates: October 25, 2021 – October 25, 2023

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

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

Commissioner Lohnes, Commissioner McGlothlin, Commissioner Wilt,

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copy: County Auditor
County Administrator
Requesting Department(s)

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Richard L. Lohnes

Resolution 2021-0530
ENGB/C file

**Award Bid to Jutte Excavating Inc. for
Lower Valley Pike Bridge No. 1225 Rehabilitation**

Commissioner ____ moved, per the request of County Engineer, to award the bid to Jutte Excavating Inc. for their low bid of \$379,202.00 for the Lower Valley Pike Bridge No. 1225 Rehabilitation Project.

Engineer's Estimate \$432,038.84

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

Commissioner Lohnes, Commissioner McGlothin, Commissioner Wilt,

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copy: County Auditor
County Administrator
Requesting Department(s)
Unsuccessful Bidders w/bid bonds

The Board of County Commissioners, in and for Clark County, Ohio, met this 11th day of August, 2021 in regular session, pursuant to adjournment, in accordance with Section 121.22 O.R.C. (Sunshine Law), with the following members present, viz:

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Richard L. Lohnes

Resolution 2021-0531
TRSB/C file

Approve Designation of Financial Institutions as Public Depositories

Commissioner ____ moved, per the request of the County Treasurer, to adopt the following resolution:

Application of financial institutions to be public depositories for the public moneys of Clark County, Ohio, were received by the Board of County Commissioners on June 24, 2021 and the Board finds that the notice of applications was duly published as required by law.

The sealed applications were in compliance with the bid notice specifications for said public moneys to be deposited with them as follows and the following deposits be awarded:

Financial Institution
Fifth Third Bank
Park National Bank

The above financial institutions shall become depositories for the public moneys of said County upon duly executing and delivering to the Clark County Treasurer the sureties as tendered, and the acceptance of same by the Board of County Commissioners. The County Treasurer will determine the exact amount to be deposited at any individual institution.

Further move to continue Park National Bank's various banking services pertaining to the County's day to day banking activities from September 1, 2021 through August 31, 2025 and authorize the County Administrator to execute all contract documents.

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

Commissioner Lohnes, Commissioner McGlothin, Commissioner Wilt,

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Megan Burr, Clerk

copy: County Auditor
County Administrator
County Treasurer
Financial Institutions

The Board of County Commissioners, in and for Clark County, Ohio, met this 11th day of August, 2021 in regular session, pursuant to adjournment, in accordance with Section 121.22 O.R.C. (Sunshine Law), with the following members present, viz:

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Richard L. Lohnes

Resolution 2021-0532
EMAG file

**Authorize Grant Submission
for EMPG**

Commissioner ____ moved, per the request of the Emergency Management Agency Director, to authorize grant submission of the following:

Grant: EMPG
Grantor: Ohio State EMA
Funding Amount: \$98,286.50
Purpose: To provide funding for EMA personnel costs.
Grant Effective Dates: October 1, 2021 through September 30, 2022

Further move to authorize the County Administrator to execute the grant submission and related documents.

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

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copy: County Auditor
County Administrator
Requesting Department(s)

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Richard L. Lohnes

Resolution 2021-0533
FINA file

**Authorize Amended Certificate #8 and
Appropriate Funds**

Commissioner ____ moved, upon the recommendation of the County Administrator, to authorize Amended Certificate #8 and appropriate funds.

<u>Fund</u>	<u>Department</u>	<u>Account</u>	<u>Amount</u>
GENERAL FUND (0001-260)	CORONER	OPERATING EXP	\$150,000.00
EMA 911 GOV ASST FUND (2202)	EMA	OPERATING EXP	-\$238,659.33
WORKERS COMP PREM FUND (9160)	PERSONNEL	OPERATING EXP	\$6,300.00

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

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County Administrator
Requesting Department(s)

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Richard L. Lohnes

Resolution 2021-0534
FINF file

Authorize Intra-Fund Transfer(s)

Commissioner ____ 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: CD/Cares Act					
Comm. Dev.	Operating Exp.	\$ 5,000.00	Comm. Dev.	Pers. & Fringes	\$5,000.00

Reason: To cover personnel costs.

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

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County Administrator
Requesting Department(s)

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Richard L. Lohnes

Resolution 2021-0535

FINS file

Approve Supplemental Appropriation(s)

Commissioner ____ moved, upon the recommendation of the County Administrator, to authorize the following supplemental appropriation(s) from unappropriated funds:

Fund:	Department:	Account:	Amount:
Law Enforcement Trust (1228)	Sheriff's Office	Other Expenses	\$70,000.00

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

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copy: County Auditor
County Administrator
Requesting Department

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Melanie F. Wilt

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Richard L. Lohnes

Resolution 2021-0536
JFSL file

**Accept Lease Renewal Agreement #1 Between
Board of County Commissioners of Clark County and
Clark County Department of Job and Family Services**

Commissioner ____ moved, upon the recommendation of the County Administrator, to accept the following lease agreement:

Lessee: Clark County Department of Job and Family Services
Lease Amount: As specified in Attachment A of Lease
Purpose: To lease Lagonda Avenue Office Complex utilized by Clark County Department of Job and Family Services.
Lease Effective Dates: April 1, 2016 to March 31, 2021 (original date), April 1, 2021 to March 31, 2026 (current), with one additional automatic renewal to March 31, 2031, unless notice issued by either party.

Further move to authorize the County Administrator to execute the lease agreement and related documents.

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

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Richard L. Lohnes

Resolution 2021-0537
TRAV file

Approve Travel/Expense Allowance

Commissioner ____ 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
JFS	B. Adkins	Human Trafficking Conf.	Virtual	9/22-24/21	\$200.00
Engineer	R. Hankison	Land Descriptions Workshop	Webinar	7/28/2021	\$289.00

Further move reimbursements shall comply with all requirements of the Travel Policy as adopted in the Personnel Manual.

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

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Requesting Department(s)

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Richard L. Lohnes

Resolution 2021-0538
FINB file

A RESOLUTION DETERMINING THE NECESSITY OF AND AUTHORIZING THE ISSUANCE AND SALE OF ADJUSTABLE RATE DEMAND HEALTH CARE FACILITIES REVENUE IMPROVEMENT BONDS, SERIES 2021 (THE OHIO MASONIC HOME OBLIGATED GROUP PROJECT) OF THE COUNTY OF CLARK, OHIO, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$38,000,000; AUTHORIZING THE EXECUTION AND DELIVERY OF AGREEMENTS OF LEASE AND SUBLEASES IN CONNECTION THEREWITH; AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE TO SECURE SUCH SERIES 2021 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT IN CONNECTION THEREWITH; AUTHORIZING A TAX REGULATORY AGREEMENT; AND AUTHORIZING OTHER DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2021 BONDS.

Commissioner ____ moved to adopt the following:

WHEREAS, the County of Clark, Ohio (the “County”), a county and political subdivision in and of the State of Ohio (the “State”), is authorized and empowered by virtue of the laws of the State, including without limitation, Chapter 140 of the Ohio Revised Code (the “Act”) to, among other things: (i) acquire, construct, improve and equip “hospital facilities”, as defined in the Act, which include the facilities comprising the Project (as herein defined), and to acquire, by lease, real estate within the boundaries of the Participating Public Hospital Agencies (as herein defined) and interests therein, including without limitation, improvements situated thereon comprising such hospital facilities; (ii) enter into lease agreements to provide for the lease of “hospital facilities” to a “nonprofit hospital agency”, both as defined in the Act; (iii) issue revenue bonds for the purpose of financing and refinancing the “costs of hospital facilities”, as defined in the Act, and to secure those revenue bonds by a trust indenture and by the pledge and assignment of the rent paid under the lease agreements and the funds created under the trust indenture; (iv) enact this Resolution; and (v) enter into the Trust Indenture, the Leases, the Subleases, the Bond Purchase Agreement and the Tax Regulatory Agreement, all as defined herein, and to execute and deliver certain other documents and instruments upon the terms and conditions provided herein and therein; and,

WHEREAS, the County, the Village of Waterville, Ohio, the County of Hamilton, Ohio and the County of Medina, Ohio (collectively, the “Participating Public Hospital Agencies”) entered into a Public Hospital Agencies Agreement dated as of December 1, 2001, as amended by an Amendment To Public Hospital Agencies Agreement dated as of March 1, 2001, and as further amended by a Second Amendment To Public Hospital Agencies Agreement dated as of February 1, 2001 (collectively, the “Public Hospital Agencies Agreement”), pursuant to Section 140.03, Ohio Revised Code, for the purpose of financing certain capital equipment and construction needs of The Ohio Masonic Home (“OMH”) and Western Reserve Masonic Community, Inc. (“Western Reserve” and, together with OMH, the “Corporations”) and certain other nonprofit affiliates of the Corporations, all located within the jurisdictions of the Participating Public Hospital Agencies, including the reimbursement for costs advanced for those purposes; and,

WHEREAS, the Corporations have requested this Board of County Commissioners of the County (the “Board”) to authorize the issuance of Adjustable Rate Demand Health Care Facilities Revenue Improvement Bonds, Series 2021 (The Ohio Masonic Home Obligated Group Project) of the County of

Clark, Ohio, in a maximum principal amount not to exceed \$38,000,000 (the "Series 2021 Bonds") to finance or refinance the acquisition, construction, renovation and equipping of certain Hospital Facilities, as that term is defined in Section 140.01, Ohio Revised Code, and as described in the Subleases (the "Project"), including the reimbursement of the Corporations for costs previously incurred with respect to such Hospital Facilities and (2) certain costs and expenses in connection with the issuance of the Series 2021 Bonds; and,

WHEREAS, this Board has determined, based on information and representations provided by the Corporations, that the issuance of the Series 2021 Bonds and the acquisition, construction, renovation and equipping of the Project will further the public purpose of better providing for the health and welfare of the residents of the County and the State by enhancing the availability, efficiency and economy of skilled nursing care and assisted living facilities to service the residents of the Participating Public Hospital Agencies, so that such Hospital Facilities are and will be available for the service of the general public without discrimination by reason of race, creed, color or national origin; and,

WHEREAS, this Board has determined to authorize such Series 2021 Bonds; and,

WHEREAS, it is necessary in connection with the issuance of such Series 2021 Bonds and the acquisition, construction, renovation and equipping of the Project to provide for the authorization of Agreements of Lease, Subleases, the Bond Purchase Agreement, the Tax Regulatory Agreement and the Trust Indenture.

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

SECTION 1. That for the public purpose of better providing for the health and welfare of the people of the State of Ohio by enhancing the availability, efficiency and economy of nursing care and assisted living facilities constituting Hospital Facilities and services rendered thereby and facilitating the financing and refinancing of Hospital Facilities to be available to or for the service of the general public without discrimination by reason of race, creed, color or national origin, this Board, acting on behalf of the County, hereby determines that it is necessary to and the County shall issue revenue bonds pursuant to Section 140.06, Ohio Revised Code, in one or more series and in the aggregate principal amount of not to exceed \$38,000,000, for the purposes set forth in the preambles hereto. Such bonds shall be designated County of Clark, Ohio, Adjustable Rate Demand Health Care Facilities Revenue Improvement Bonds, Series 2021 (The Ohio Masonic Home Obligated Group Project). The Series 2021 Bonds shall be issued in the form and denomination and shall be executed, dated, be subject to redemption prior to maturity on the dates and at the prices, bear interest at variable or fixed rates, and be payable on the dates, all as exactly provided in the Trust Indenture and Bond Purchase Agreement hereinafter authorized. The Series 2021 Bonds shall be retired either at stated maturity or by mandatory sinking fund redemption over a period not to exceed 35 years as set forth in the Trust Indenture hereinafter authorized.

SECTION 2. That the Series 2021 Bonds shall be payable at the corporate trust office of U.S. Bank National Association, as bond trustee (the "Trustee"), or any successor trustee.

SECTION 3. Anything in this Resolution, the Series 2021 Bonds and the Trust Indenture to the contrary, the Series 2021 Bonds do not and shall not constitute general obligations, debt or bonded indebtedness or a pledge of the faith and credit of the County or the State or any political subdivision thereof, and the holders or owners of the Series 2021 Bonds are not given the right, and have no right, to have excises, ad valorem taxes or other taxes levied by the County or the State or any political subdivision thereof, for the payment of the bond service charges on such Series 2021 Bonds. The Series 2021 Bonds shall contain a statement to that effect and that the right to such payment is limited to the revenues and special funds pledged for such purpose under the Trust Indenture herein authorized.

SECTION 4. That at least two (2) County Commissioners be and they are hereby authorized and directed to execute on behalf of the County, an Indenture of Trust (the "Trust Indenture") with the aforesaid Trustee, in substantially the form presented to this Board and on file with the Clerk, and the Trust Estate as therein defined shall be pledged and the other agreements, covenants and promises therein made on behalf

of the County shall be conclusively binding upon the County and in full force and effect from and after delivery of the aforesaid Series 2021 Bonds to their purchasers pursuant to the terms of said Trust Indenture. Said Trust Indenture shall be subject to such changes, insertions and omissions which are consistent with this Resolution and are not substantially adverse to the County and as are permitted by the Act and as may be approved by this Board, which approval shall be conclusively evidenced by the execution of said Trust Indenture as aforesaid.

SECTION 5. That the members of this Board be and they are hereby authorized and directed to do all the acts and things required of them by the provisions of the Series 2021 Bonds and the Trust Indenture to the end that full and complete performance of all of the terms, covenants and agreements of the Series 2021 Bonds and Trust Indenture shall be effected, including taking all actions necessary to complete the sale of the Series 2021 Bonds under the “Blue Sky” laws of any jurisdiction; provided that the County shall not be required to submit to service of process in connection with any such “Blue Sky” action in any state except Ohio.

SECTION 6. That this Board hereby determines that the leasing of the Existing Facilities, as defined in each of the Subleases, from OMH and Western Reserve and the subleasing of the corresponding Existing Facilities to OMH and Western Reserve, providing health care to the general public without discrimination by reason of race, creed, color or national origin, is undertaken for and will serve the public purpose of better providing for the health and welfare of the people of the Participating Public Hospital Agencies and the State of Ohio by enhancing the availability, efficiency and economy of hospital facilities and the services rendered thereby.

SECTION 7. That at least two (2) County Commissioners be and they are hereby authorized and directed to execute and enter into, on behalf of the County, Agreements of Lease (the “Leases”) with each of OMH and Western Reserve, whereby the County will acquire leasehold interests in each of the corresponding Existing Facilities. The Leases shall be substantially in the form presented to this Board and on file with the Clerk, subject to such changes, insertions and omissions which are consistent with this Resolution and are not substantially adverse to the County and as are permitted by the Act and as may be approved by this Board, which approval shall be conclusively evidenced by the execution of said Leases as aforesaid. It is hereby determined that such Leases will promote the public purpose stated in Section 140.02, Ohio Revised Code, and the Participating Public Hospital Agencies will be duly benefited thereby.

SECTION 8. That at least two (2) County Commissioners be and they are hereby authorized and directed to execute and deliver on behalf of the County Subleases (the “Subleases”) with each of OMH and Western Reserve which will own or operate each of the corresponding Existing Facilities. The Subleases shall be substantially in the form presented to this Board and on file with the Clerk, subject to such changes, insertions and omissions which are consistent with this resolution and are not substantially adverse to the County and as are permitted by the Act and as may be approved by this Board, which approval shall be conclusively evidenced by the execution of said Subleases as aforesaid. It is hereby determined that such Subleases will promote the public purpose stated in Section 140.02, Ohio Revised Code, and the Participating Public Hospital Agencies will be duly benefited thereby.

SECTION 9. That at least two (2) County Commissioners be and they are hereby authorized and directed to execute and deliver on behalf of the County a Bond Purchase Agreement (the “Bond Purchase Agreement”) providing for the sale of the Series 2021 Bonds substantially in the form heretofore presented to this Board and on file with the Clerk, so long as the sale terms contained therein are within the guidelines established in Section 1 of this Resolution. The Bond Purchase Agreement shall be subject to such changes, insertions and omissions which are consistent with this resolution and are not substantially adverse to the County and as are permitted by the Act and as may be approved by this Board, which approval shall be conclusively evidenced by the execution of said Bond Purchase Agreement as aforesaid.

SECTION 10. That least two (2) County Commissioners be and they are hereby authorized and directed to execute and deliver on behalf of the County a Tax Exemption Certificate and Agreement (the “Tax Regulatory Agreement”) among the County, the Corporations and the Trustee. The Tax Regulatory Agreement shall be in the form approved by this Board, which approval shall be exclusively evidenced by

the execution of the Tax Regulatory Agreement as aforesaid. It is hereby determined that such Tax Regulatory Agreement will promote the public purpose stated in Section 140.02, Ohio Revised Code and the County will be duly benefited thereby.

SECTION 11. That this Board hereby covenants that it will restrict the use of the proceeds of the Series 2021 Bonds hereby authorized in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute “arbitrage bonds” under Sections 103(b)(2) and 148 of the Internal Revenue Code and the regulations prescribed thereunder. Any member of this Board or any other officer having responsibility with respect to the issuance of said Series 2021 Bonds is authorized and directed to give an appropriate certificate on behalf of the County, on the date of delivery of said Series 2021 Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Section 148 and regulations thereunder.

SECTION 12. That the appropriate officers of the County, including this Board, be and they hereby are authorized to execute and deliver on behalf of the County such other certificates, documents and instruments in connection with the issuance and public sale of the Series 2021 Bonds and the acquisition, construction and equipping of the Project as may be required, necessary or appropriate, including, without limitation, any documents which are necessary or appropriate in order to ensure compliance of the Series 2021 Bonds with the Internal Revenue Code. Such documents including the ones specifically authorized hereby, shall be subject to such changes, insertions and omissions as may be approved by this Board, which approval shall be conclusively evidenced by the execution thereof as aforesaid.

SECTION 13. This Board, as the “applicable elected representative” of the County of Clark, Ohio for purposes of Section 147(f) of the Code, hereby approves the issuance of the Series 2021 Bonds, in one or more series, in an amount not to exceed \$38,000,000 pursuant to the Act. Based on representations of the Corporations, the proceeds of the Series 2021 Bonds will be used for the purpose of financing (i) the acquisition, construction, renovation and equipping of certain hospital facilities located on the campuses of each of Western Reserve, 4931 Nettleton Road, Medina Township, Ohio (the “Western Reserve Campus”) and OMH, 2655 West National Road, Springfield, Ohio (the “OMH Campus”), including but not limited to a new skilled nursing facility consisting of 50 units to replace the current skilled nursing facility and a new independent living facility consisting of 56 units located on the campus of Western Reserve, and certain routine capital expenditures of OMH and Western Reserve, including reimbursement of such expenditures and (ii) certain costs of issuance of the Series 2021 Bonds. The initial owners, operators or managers of the Project will be OMH and/or Western Reserve. The amount of proceeds of the Series 2021 Bonds spent at (i) the Western Reserve Campus shall not exceed \$38,000,000 and (ii) the OMH campus shall not exceed \$5,000,000.

SECTION 14. That it is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were passed in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners in meetings open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code.

SECTION 15. That all resolutions or parts thereof in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

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

Commissioner Lohnes, Commissioner McGlothlin, Commissioner Wilt,

I, Megan Burr, Clerk to the Board of County Commissioners, do hereby certify that the above is a true and correct copy of a motion as recorded in the Journal of the Clark County Commissioners, under the date of August 11, 2021.

Megan Burr, Clerk

copy: County Auditor
County Administrator
Requesting Department(s)

The Board of County Commissioners, in and for Clark County, Ohio, met this 11th day of August, 2021 in regular session, pursuant to adjournment, in accordance with Section 121.22 O.R.C. (Sunshine Law), with the following members present, viz:

Melanie F. Wilt

Lowell R. McGlothlin

Richard L. Lohnes

Resolution 2021-0539

FINX file

**10:00 a.m. Public Hearing for the
Continuation of the Current Rate of County Sales Tax**

This is the date and time set by the Board of County Commissioners, Clark County, Ohio, to hold a public hearing for the continuation of the current rate of County Sales Tax, this being the second of two (2) public hearings.

Public Hearing opened by the Commission President at __ a.m.

Staff Report:

Audience Comments:

Commissioner ____ moved to close the public hearing at __ a.m.

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

Commissioner Lohnes, Commissioner McGlothlin, Commissioner Wilt,

I, Megan Burr, Clerk to the Board of County Commissioners, do hereby certify that the above is a true and correct copy of a motion as recorded in the Journal of the Clark County Commissioners, under the date of August 11, 2021.

Megan Burr, Clerk

copy: County Auditor
County Administrator
Commission Budget Analyst